JOURNAL

OF

COMPARATIVE LEGISLATION

AND

INTERNATIONAL LAW

EDITED FOR
THE SOCIETY OF COMPARATIVE LEGISLATION
BY
F. M. GOADBY, Esq., D.C.L.

Let observation, with extensive view,
Survey mankind from China to Peru.
Samuel Johnson.

THIRD SERIES. VOL. XVIII. PART III.

LONDON:
SOCIETY OF COMPARATIVE LEGISLATION,
1 ELM COURT, TEMPLE, E.C.4.
1936.

[All Rights reserved]

All communications to be addressed to the Hon. Editor,
1 Elm Court, Temple, E.C.4.
The Annual Subscription to the Society is one guinea.

Printed in Great Britain by
Hazell, Watson & Viney, Ltd., London and Aylesbury.

TABLE OF CONTENTS.

PAGE
PRESIDENT, COUNCIL AND COMMITTEE vii
HONORARY MEMBERS AND SUBSCRIBERS x
CONTRIBUTORS xxv
ANNUAL REPORT xxvi
ACCOUNTS xxviii
INTRODUCTION TO REVIEW OF LEGISLATION . . . xxix
Contributed by F. M. Goadby, Esq., D.C.L.

BRITISH EMPIRE :—

I. BRITISH ISLES—

1. United Kingdom. *Contributed by* Cecil T. Carr, Esq., LL.D. 1
2. Jersey. *Contributed by* C. W. Duret Aubin, Esq. . . 19
3. Northern Ireland.
Contributed by Sir Arthur S. Quekett, K.C., LL.D. . 20
4. Irish Free State. *Contributed by* A. Denis Pringle, Esq. . 29

II. NORTH AMERICA—

1. Dominion of Canada.
Contributed by Frederick Read, Esq., LL.B. . . 32
2. Alberta. *Contributed by* John D. Hunt, Esq., K.C., Clerk to the Executive Council 42
3. British Columbia 48
4. Manitoba. *Contributed by* Wilson E. McLean, Esq., Legislative Counsel 51
5. New Brunswick. *Contributed by* H. Lester Smith, Esq. . 54
6. Nova Scotia. *Contributed by* F. F. Mathers, Esq., K.C. . 55
7. Ontario 57
8. Prince Edward Island.
Contributed by W. E. Bentley, Esq., K.C. . . . 57
9. Quebec.
Contributed by the Hon. Mr. Justice Fabre Surveyer . 59
10. Saskatchewan. *Contributed by* J. P. Runciman, Esq. . 66
11. Newfoundland. *Contributed by* Brian Dunfield, Esq. . 67
12. Bermuda 70

PAGE

III. COMMONWEALTH OF AUSTRALIA—
Contributed by George S. Knowles, Esq. . . . 71
1. New South Wales 75
2. Queensland. *Contributed by* J. E. Broadbent, Esq., Parliamentary Draftsman 78
3. South Australia. *Contributed by* E. L. Bean, Esq., M.A., LL.B. . . 84
4. Tasmania. *Contributed by* H. J. Solomon, Esq., B.A., LL.B. . 87
5. Victoria. *Contributed by* His Honour Judge Zichy-Woinarski, K.C., and S. H. Zichy-Woinarski, Esq., M.A., LL.B. 89
6. Western Australia. *Contributed by* W. F. Sayer, Esq., K.C. 99
7. Papua. *Contributed by* His Honour Mr. Justice Gore . 108

IV. NEW ZEALAND—
Contributed by J. Christie, Esq., C.M.G., LL.M., Parliamentary Law Draftsman. 109

V. WESTERN PACIFIC—
1. Fiji. *Contributed by* R. S. Thacker, Esq., Attorney-General 116
2. Western Pacific 117
(i) Gilbert and Ellice Islands 117
(ii) British Solomon Islands 118
(iii) Kingdom of Tonga. *Contributed by* J. S. Neill, Esq. 118
(iv) New Hebrides. *Contributed by* R. D. Blandy, Esq. . . 118

VI. SOUTH AFRICA—
1. Union of South Africa. *Contributed by* W. G. Hoal, Esq., K.C. . . . 119
2. Cape of Good Hope. *Contributed by* Mr. Advocate A. J. Pienaar . . 130
3. Natal. *Contributed by* the Hon. Mr. Justice Lansdown . 134
4. Orange Free State. *Contributed by* H. Pring, Esq. . . 135
5. Transvaal. *Contributed by* A. A. Hope, Esq. . . . 136
6. Northern Rhodesia. *Contributed by* Alan Roe, Esq. . 137
7. Southern Rhodesia. *Contributed by* R. J. Morton, Esq., M.C., B.A., LL.B. 138

VII. BRITISH INDIA—
Contributed by A. N. Bhandari, Esq., I.C.S.
1. Acts of the Indian Legislature 141

PAGE

VII. BRITISH INDIA (*continued*)—

2. Madras 147
3. Bombay 147
4. Bengal 148
5. United Provinces 148
6. Punjab 149
7. Burma 150
8. Bihar and Orissa 150
9. Assam 150
10. Central Provinces 150
11. Coorg 151
12. North-West Frontier Province 151

VIII. EASTERN COLONIES—

1. Ceylon. *Contributed by* C. C. A. Brito-Mutunayagam, Esq., B.C.L., M.A. 151
2. Hong Kong. *Contributed by* the Hon. C. G. Alabaster, O.B.E., K.C., Attorney-General 155
3. Straits Settlements. *Contributed by* A. de Mello, Esq. . 156
4. Federated Malay States. *Contributed by* A. de Mello, Esq. 158
5. Mauritius. *Contributed by* E. Nairac, Esq., Procureur-General 159
6. State of North Borneo. *Contributed by* C. F. C. Macaskie, Esq., Legal Adviser. 160
7. Seychelles. *Contributed by* M. C. Nageon de Lestang, Esq. 160

IX. WEST AFRICA—

1. Gambia. *Contributed by* A. G. B. Manson, Esq., Legal Adviser . 161
2. Gold Coast Colony. *Contributed by* L. E. V. McCarthy, Esq., Solicitor-General 162
   (i) Ashanti 163
   (ii) Northern Territories 163
   (iii) Togoland under British Mandate 163
3. Nigeria. *Contributed by* A. R. W. Sayle, Esq., Crown Counsel 163
4. Sierra Leone. *Contributed by* I. J. Turbett, Esq., Attorney-General . 164

X. EAST AFRICA—

1. Kenya. *Contributed by* T. D. Wallace, Esq., Crown Counsel 165
2. Nyasaland Protectorate. *Contributed by* H. G. Morgan, Esq., Assistant Attorney-General 167

X. EAST AFRICA (*continued*)—

PAGE

3. Tanganyika Territory. *Contributed by* L. D. Smith, Esq. 168
4. Uganda Protectorate. *Contributed by* T. C. Dands, Esq. 169
5. Zanzibar. *Contributed by* C. Furness-Smith, Esq., Attorney-General 170
6. Anglo-Egyptian Sudan. *Contributed by* the Hon. the Advocate-General . . . 173

XI. SOUTH ATLANTIC—

British Guiana. *Contributed by* the Hon. Hector Josephs, Attorney-General 173

XII. WEST INDIES—

1. The Bahamas. *Contributed by* the Hon. Harcourt Malcolm, C.B.E., K.C., Speaker 174
2. Barbados. *Contributed by* Wilfred K. Fergusson, Esq. . 176
3. Jamaica. *Contributed by* C. E. A. Bedwell, Esq. . . 176
4. Windward Islands.
    - (i) Grenada. *Contributed by* the Hon. C. C. Ross, Attorney-General 177
    - (ii) St. Lucia. *Contributed by* the Hon. J. E. M. Salmon 178
    - (iii) St. Vincent. *Contributed by* the Hon. H. A. O'Reilly Attorney-General 179
5. Trinidad and Tobago. *Contributed by* E. Le Gendre, Esq. 179

XIII. MEDITERRANEAN—

1. Gibraltar. *Contributed by* H. Ralph Hone, Esq., M.C., K.C., LL.B., Attorney-General 181
2. Cyprus. *Contributed by* the Hon. N. Paschalis, K.C., Acting Attorney-General 185
3. Malta. *Contributed by* C. J. Colombos, Esq., LL.D. . 186

XIV. MIDDLE EAST—

Palestine. *Contributed by* Ralph Windham, Esq., Legal Draftsman 187

UNITED STATES OF AMERICA 190

PRESIDENT:

THE RT. HON. S. M. BRUCE, C.H., M.C.

CHAIRMAN OF THE EXECUTIVE COMMITTEE:

THE RT. HON. LORD MACMILLAN OF ABERDOVEY

VICE-CHAIRMAN:

SIR LYNDEN MACASSEY, K.B.E., K.C.

COUNCIL:

Colonel the Hon. Sir James Allen, G.C.M.G., K.C.B., formerly High Commissioner for New Zealand.

The Rt. Hon. L. C. M. S. Amery, M.P., formerly Secretary of State for the Dominions and for the Colonies.

Sir Maurice Sheldon Amos, K.B.E., K.C., Quain Professor of Comparative Law, London University.

Sir Algernon Aspinall, C.M.G., C.B.E.

The Rt. Hon. Lord Atkin, a Lord of Appeal in Ordinary.

Sir Thomas Barclay, LL.D., Ph.D.

The Hon. Sir Edgar R. Bowring, formerly High Commissioner for Newfoundland.

The Rt. Hon. S. M. Bruce, C.H., M.C., High Commissioner for Australia, *President*.

E. Leslie Burgin, Esq., LL.D., M.P., formerly Principal and Director of Studies to the Law Society.

Sir H. Grattan Bushe, K.C.M.G., C.B., Legal Adviser to the Colonial Office and Dominions Office.

M. Lyon Caen, Membre de l'Institut de France.

Cecil T. Carr, Esq., LL.D.

The Rt. Hon. Sir J. Austen Chamberlain, K.G., M.P., formerly Secretary of State for Foreign Affairs.

The Rt. Hon. Winston S. Churchill, C.H., M.P., formerly Chancellor of the Exchequer.

H. M. Cleminson, Esq.

The Rt. Hon. Sir Joseph Cook, G.C.M.G., formerly High Commissioner for Australia.

The Hon. T. M. Cooper, K.C., M.P., the Lord Advocate.

The Rt. Hon. Lord Craigmyle, K.C., LL.D.

M. Dareste, Membre de l'Institut de France.

Clement Davies, Esq., K.C., M.P.

The Hon. Mr. Justice Feetham, C.M.G., M.L.A., Judge of the Supreme Court of South Africa.

The Rt. Hon. Sir Charles Fitzpatrick, G.C.M.G., K.C., formerly Lieut.-Governor of Quebec.

Herr Abr. Frowein, President of the German National Committee, International Chamber of Commerce.

Sir R. R. Garran, K.C.M.G., formerly Solicitor-General of the Commonwealth of Australia.

Sir H. C. Gollan, C.B.E., K.C., formerly Chief Justice of Hong Kong.

Sir W. F. Gowers, K.C.M.G., Senior Crown Agent for the Colonies.

The Hon. Sir Littleton E. Groom, K.C.M.G., Speaker of the Federal House of Representatives, Commonwealth of Australia.

Sir A. Norman Hill, Bart.

The Hon. Charles E. Hughes, Chief Justice of the Supreme Court of the United States.

Sir Cecil Hurst, G.C.M.G., K.C.B., K.C., LL.M., President of the Permanent Court of International Justice.

Edward Jenks, Esq., D.C.L., Emeritus Professor of Law, University of London.

F. N. Keen, Esq.

The Hon. Sir J. G. Kotzé, K.C., LL.D., formerly Judge of the Supreme Court of South Africa.

D. Campbell Lee, Esq.

S. P. Low, Esq., Solicitor to the Board of Trade.

Sir Lynden Macassey, K.B.E., K.C.

The Rt. Hon. Lord Macmillan, a Lord of Appeal in Ordinary.

Sir H. W. Malkin, K.C.M.G., C.B., K.C., Legal Adviser to the Foreign Office.

H. F. Manisty, Esq., K.C.

The Hon. Vincent Massey, High Commissioner for Canada.

The Hon. Mr. Justice Matthews, Judge of the Supreme Court, Natal.

Professor the Hon. Sir John B. Peden, K.C.M.G., K.C., M.L.C., Dean of the Faculty of Law, Sydney University; President of the Legislative Council, New South Wales.

The Rt. Hon. Sir Frederick Pollock, Bart., K.C., D.C.L., LL.D., Judge of the Cinque Ports.

Sir J. S. Risley, K.C.M.G., C.B., K.C., formerly Legal Adviser to the Colonial Office and Dominions Office.

The Hon. Newton W. Rowell, K.C.

The Rt. Hon. Sir Tej Bahadur Sapru, K.C.S.I., LL.D., formerly Legal Member of the Council of the Viceroy of India.

Sir John Houldsworth Shaw, Solicitor to the Inland Revenue.

Sir Walter S. Shaw, formerly Chief Justice of the Straits Settlements.

The Rt. Hon. Sir J. A. Simon, G.C.S.I., K.C.V.O., K.C., D.C.L., LL.D., M.P.

The Hon. Mr. Justice Fabre Surveyer, Judge of the Supreme Court, Quebec.

The Hon. Sir Edgar Walton, K.C.M.G., formerly High Commissioner for South Africa.

F. P. Walton, Esq., LL.D.

EXECUTIVE COMMITTEE:

Sir Maurice Sheldon Amos, K.B.E., K.C.
Sir Algernon Aspinall, C.M.G., C.B.E.
The Rt. Hon. Lord Atkin.
Sir Thomas Barclay, LL.B., Ph.D.
E. Leslie Burgin, Esq., LL.D., M.P.
Sir H. Grattan Bushe, K.C.M.G., C.B.
Cecil T. Carr, Esq., LL.D.
H. M. Cleminson, Esq.
Sir W. F. Gowers, K.C.M.G.
Sir A. Norman Hill, Bart.
Sir Cecil Hurst, G.C.M.G., K.C.B., K.C.
J. E. James, Esq.
Owen Jones, Esq.
F. N. Keen, Esq.
D. Campbell Lee, Esq.
S. P. Low, Esq.
Sir Lynden Macassey, K.B.E., K.C., *Vice-Chairman.*
The Rt. Hon. Lord Macmillan, *Chairman.*
Sir H. W. Malkin, K.C.M.G., C.B., K.C.
H. F. Manisty, Esq., K.C.
Richard O'Sullivan, Esq., K.C.
Professor D. Hughes Parry.
Sir J. S. Risley, K.C.M.G., C.B., K.C.
The Rt. Hon. Sir J. A. Simon, G.C.S.I., K.C.V.O., K.C., M.P.
F. P. Walton, Esq., LL.D.

HONORARY EDITOR:

F. M. Goadby, Esq., D.C.L.

HONORARY SECRETARIES:

C. E. A. Bedwell, Esq.
H. C. Gutteridge, Esq., K.C., LL.D.

SECRETARY AND ASSISTANT EDITOR:

Miss K. I. Toogood.

Correspondence in reference to contributions to the Society's Journal should be addressed to the Editor, and all other communications to the Secretaries at 1 Elm Court, Temple, London, E.C.4.

HONORARY MEMBERS AND SUBSCRIBERS.

SOCIETY OF COMPARATIVE LEGISLATION.

HONORARY MEMBERS.

The Hon. Mr. Justice Buchanan.
J. D. Falconbridge, Esq., K.C.
Sir R. R. Garran, K.C.M.G.
The Hon. Sir Reginald Gray, K.C.
G. Hartog, Esq.
F. P. Walton, Esq., LL.D.

LIST OF SUBSCRIBERS.

(† Life members.)

Aberdeen University Library (per D. Wyllie & Son).
Acme Agency, Buenos Aires (per Gordon & Gotch, Ltd.).
Adelaide University Library (per The Australian Book Co.).
Alberta, Deputy Attorney-General (per Canada Law Book Co.).
Alberta Law Society.
Alberta University (per Dawson & Sons, Ltd.).
Albertus Universität, Königsberg (per Sweet & Maxwell, Ltd.).
Alexandria, Cour d'Appel Mixte.
Allahabad University Library (per B. H. Blackwell, Ltd.).
Allegheny County Law Library (per N. A. Phemister Co.).
Allinson, J. S. (Pretoria) (per A. Elliot).
All Souls College Library, Oxford.
Amos, Sir Maurice Sheldon.
Amoy University (per J. Thin).
Amsterdam, Library of the Association of the Bar.
Andhra University Library, Waltair.
Antigua, Attorney-General (per Crown Agents).
Archdale, Miss H. E.
Argus South African Newspapers, Ltd.
Asher & Co.
Assam, Secretary to the Legislative Council.
Athenæum Club (per James Bain).
Atkin, The Rt. Hon. Lord.
Atkinson, Sir Edward Tindal.

Auffarth, F. B. (per Simpkin, Marshall, Ltd.).
Auld, F. C. (Toronto).
Au Papyrus, Cairo (per Messageries Hachette).
Australia, Commonwealth of. (5)
Australia, Commonwealth Parliament Library (per Dawson & Sons, Ltd.).

Baghdad Law College (per Dawson & Sons, Ltd.).
Bahamas Law Library.
Baltimore Bar Library (per The Carswell Co., Ltd.)..
Ban, Professor Yoshihiko (per Maruzen Co., Ltd.).
Bar Library (per Wildy & Sons).
Barbados, Colonial Secretary. (2) (per Crown Agents).
Barcelona, Colegio de Abogados (per Simpkin, Marshall, Ltd.).
Baroda, Legal Remembrancer.
†Baty, T. (Japan).
Bavaria State Library (per Beschaffungsamt der deutschen Bibliotheken).
Bedwell, C. E. A.
Bell, R. A.
Benas, Bertram B.
Bengal, Legislative Council.
Bermuda, Colonial Secretary. (5) (per Crown Agents).
Bewes, Wyndham A.
Bibliothèque de la Faculté de Droit, Paris (per Librairie H. Le Soudier).
Bibliothèque Nationale, Paris (per Mr. C. Klincksieck).
Biddle Law Library, Pennsylvania.
Bihar and Orissa, Legal Remembrancer.
Birdwood Law Library, Sind.
Birmingham Law Society.
Birmingham Public Library (per Cornish Bros., Ltd.).
Birmingham University Library (per Cornish Bros., Ltd.).
Bisschop, W. R.
Blanesburgh, The Rt. Hon. Lord.
Board of Trade (per H.M. Stationery Office).
Bodington, Oliver E. (Paris).
Bolsa de Madrid.
Bombay, Government of. (8)
Bombay High Court Law Library (per N. M. Tripathi & Co.).
Bond, Stanley S.
Boston Public Library (per G. E. Stechert & Co.).
Brassey, Peter E.
Brierly, Professor.
Bristol University (per J. Baker & Son).
British Columbia Provincial Library.
British Guiana, Colonial Secretary (per Crown Agents).
British Honduras, Attorney-General (per Crown Agents).
British North Borneo Co.

British North Borneo, Government Secretary.
British Social Hygiene Council, Incorporated (late N.C.F.V.D.).
Brown, Miss Grace H. (Detroit, Mich.).
Bryn Mawr College Library (per Allen & Son, Ltd.).
Burgin, E. Leslie.
Burma, Government Advocate.
Burma, High Court of Judicature.
Buxton, S. W.

Caen, M. Lyon (Paris).
Calcutta High Court, Appellate side, Registrar (per Dawson & Sons, Ltd.).
Calcutta University.
California State Library (per Stevens & Brown).
California University Library (per Stevens & Brown).
California University Library, Southern Branch (per Stevens & Brown).
Campbell, Professor A. H.
Canada, Department of External Affairs.
Canada, Department of Labour.
Canada, Dominion of. (4)
Canada, House of Commons, Law Branch (per Canada Law Book Co.).
Canada, Library of Parliament, Ottawa (per Allen & Son, Ltd.).
Canada, Supreme Court, Ottawa (per Sweet & Maxwell, Ltd.).
Canadian Legation, Paris.
Canterbury University College, New Zealand (per B. H. Blackwell, Ltd.).
Canterbury District Law Society, New Zealand (per Stevens & Sons, Ltd.).
Canty, F. T. G.
Cape Argus (per Argus South African Newspapers, Ltd.).
Cape of Good Hope Incorporated Law Society (per Juta & Co., and Walker Bros.).
Cape Town Public Library (per Darter Bros. & Co.).
Cape Town University (per B. H. Blackwell, Ltd.).
Cardiff Central Library.
Carnegie Endowment for International Peace (Washington) (per Stevens & Brown).
Carnegie Foundation for the Advancement of Teaching (New York).
Carpmael, Kenneth.
Carr, Cecil T.
†Carter, Sir E. Bonham.
Ceylon, Attorney-General (per Crown Agents).
Ceylon, Colonial Secretary (per Crown Agents).
Chamber of Shipping of the United Kingdom.
Charteris, Professor A. H. (Sydney).
Cheng, F. T. (Peking) (per Stevens & Sons, Ltd.).
Cheshire, C. G.
Chicago Bar Association (per N. A. Phemister Co.).

Chicago Law Institute (per Sweet & Maxwell, Ltd.).
Chicago University Library (per G. E. Stechert & Co.).
Chuo-Daigaku-Toshokan, Tokyo (per Maruzen Co., Ltd.).
Cincinnati Law Library (per The W. H. Anderson Co.).
Clark University Library (Massachusetts) (per G. E. Stechert & Co.).
Cleveland Law Library Association (per The Carswell Co., Ltd.).
Cochin Chief Court, The Registrar.
Cohen, L. L.
Cohn, Ernst J.
Cohn, —, Jerusalem (per " Divan ").
Cologne University and State Library (per F. B. Auffarth).
Colombia, Señor Ministro de Relaciones Exteriores.
Colombos, C. J.
Colonial Office. (2) (per H.M. Stationery Office).
Commerce Clearing House (Chicago).
Comparative Law School of China (per W. Dawson & Sons, Ltd.).
Congress Library, Washington. (2) (per Allen & Son, Ltd.).
Congress Library, Washington (per G. E. Stechert & Co.).
Connecticut State Library (per F. W. Faxon Co.).
Cooper, R. W.
Cooper, The Rt. Hon. T. M.
Cornell University Law Library (per Sweet & Maxwell, Ltd.).
Cornell University Library (per Allen & Son, Ltd.).
Craigmyle, The Rt. Hon. Lord.
Cyprus, Colonial Secretary. (3) (per Crown Agents).

Dacca University Library (per B. H. Blackwell, Ltd.).
Dalhousie University Law School (per The Carswell Co., Ltd.).
Dartmouth College Library (per F. W. Faxon Co.).
Davies, E. Clement.
Dedek, Dr. Vladimir (Czecho-Slovakia).
Dehn, C. G.
Delhi, Legislative Department (per Dawson & Sons, Ltd.).
Delhi University (per Cambridge Book Co.).
Denoyer, Maître Camille (Paris).
Douglas, James G. (Dublin).
Duff, D. (Accra, Gold Coast).
Duff, The Rt. Hon. Sir L. P.
Duke University School of Law (per The Carswell Co., Ltd.).
Dutt, Dharmadas (Assam).
Du Vivier, Joseph (Paris).

Earle Law College (Gauhati, India) (per Butterworth & Co., Ltd.).
Edinburgh University (per J. Thin).
Egypt, Ministry of Justice.

Egyptian University (per James Smith).
Eliaser, R. (Estonia) (per W. Dawson & Sons, Ltd.).
El-Kebir, J. S. (per W. Dawson & Sons, Ltd.).
Elson, Alex (Chicago).
Emmett, Professor E. (Cape Town) (per Sweet & Maxwell, Ltd.).
Estonian State Library.

Faculty of Procurators, Glasgow (per John Wylie & Co.).
Falk Fils (Brussels).
Federated Malay States, Government of. (5) (per Crown Agents).
Feetham, The Hon. R. (South Africa).
Fiji, Colonial Secretary. (2) (per Crown Agents).
Finkelman, J. (Toronto).
Finland, Parliamentary Library (per Akademiska Bokhandeln).
FitzGerald, S. Vesey.
Foreign Office Library (per H.M. Stationery Office).
Formosa, Bureau of Foreign Affairs (per Maruzen Co. Ltd.).
France, Office de Législation Etrangère (per Librairie Générale de Droit et de Jurisprudence).
Frankfurt University, Seminar für Internationales Privatrecht (per K. F. Koehlers Antiquarium).
Fraser, R. S.
Frowein, Herr Abr.
Fruin, Th. A. (Holland).

Gahan, Frank.
Gambia, Colonial Secretary (per Crown Agents).
Gardiner, A. L. (Addis Ababa).
Gardner, J. C. (Stonehaven).
Garle, H. E. L.
Gates, Sir Frank.
Gebethner & Wolff (Warsaw).
Georgia State Library.
Gibraltar, Attorney-General (per Crown Agents).
Glasgow University (per Jackson, Son & Co.).
Goadby, F. M.
Goitein, H.
Gold Coast, Attorney-General (per Crown Agents).
Gold Coast, Chief Registrar, Accra (per Crown Agents).
Gold Coast, The Registrar, Sekondi (per Crown Agents).
Goodhart, Professor A. L.
Gore, Mr. Justice R. T. (Papua).
Gorrie, G.
Göttingen Universitäts-Bibliothek (per Beschaffungsamt der deutschen Bibliotheken).
Gray's Inn Library.

†Greene, W. S. Clayton.
Grenada, Colonial Secretary. (2) (per Crown Agents).
Grigs, G. F.
Groom, The Hon. Sir Littleton E. (Queensland).
Guex, Professor R. (Lausanne).
Gutteridge, H. C.

Hamburg, Seminar für Auslands Recht (per W. Müller).
Hanna, The Hon. Mr. Justice (per Hodges, Figgis & Co.).
Harper, C. G. S.
Hartley, D. H. J.
Harvard College Library (per Allen & Son, Ltd.).
Harvard University, Law School. (3)
Harvey, Miss E. C.
Hazel, Dr. A. E. W.
Hill, A. G. Erskine.
Hill, Sir A. Norman.
Hindu University, Benares (per Dawson & Sons, Ltd.).
Holm-Nielsen, Henning (Copenhagen).
Home Office (per H.M. Stationery Office).
Hong Kong, Colonial Secretary (per Crown Agents).
Hong Kong University (per Longmans, Green & Co.).
Hopkins, E. Russell (Toronto).
House of Commons Library (per H.M. Stationery Office).
House of Lords Library (per H.M. Stationery Office).
Howard League for Penal Reform.
Hsueh Hai Research Institute, Canton (per Wm. Dawson & Sons, Ltd.).
†Huberich, Dr. C. H. (The Hague).
Hull University.
Hurry, Lieut.-Col. G. (Australia).
Hyderabad Book Depot (per Wm. Dawson & Sons, Ltd.).
Hyderabad Legislative Council.
Hyderabad, Registrar H.E.H. the Nizam's Court.

Ichimura, Y. (Japan) (per Maruzen Co., Ltd.).
Idelson, V. R.
Illinois Supreme Court Library (per N. A. Phemister Co.).
Illinois University Library. (2) (per G. E. Stechert & Co.).
India, High Commissioner for.
India Office, Telegraph and Mails Branch.
India, Secretary to Government of. (4)
Indiana State Library (per F. W. Faxon Co.).
Indiana University Library (per F. W. Faxon Co.).
Inland Revenue (per H.M. Stationery Office).
Inner Temple Library.
Institut des Hautes Etudes Internationales, Paris (per H. Le Soudier).

Institut für ausländisches öffentliches Recht und Völkerrecht, Berlin (per Sweet & Maxwell, Ltd.).
Institut für ausländisches Recht, Heidelberg University.
Institut für ausländisches und internationales Privatrecht, Berlin (per Sweet & Maxwell, Ltd.).
Institut für internationales Recht, Kiel.
Institut für Weltwirtschaft und Seeverkehr (Kiel) (per Hans Preiss).
Institute of Pacific Relations, Honolulu.
International Federation of the Phonographic Industry.
International Labour Office.
Iowa State Law Library (per The Carswell Co.).
Iowa University Law Library (per The Carswell Co.).
Irish Free State, Attorney-General's Department (per Stationery Office, Dublin).
Irish Free State, Department of External Affairs (per Eason & Son, Ltd.).
Irish Free State, Oireachtas Library (per Stationery Office, Dublin).
Istituto di Filosofia del Diritto e di Diritto Comparato, Padova University.
Itakura, Takuzo (Tokyo) (per Maruzen Co. Ltd.).
Italy, Ministero Affari Esteri (per G. E. Stechert & Co.).

Jamaica, Attorney-General (per Crown Agents).
Jamaica, Colonial Secretary. (12) (per Crown Agents).
James, J. E.
Japan, Imperial Library (per Maruzen Co., Ltd.).
Java, Bibliotheek Kon. Bataviaasch Genootschap (per Francis Edwards, Ltd.).
Jenks, C. W.
Jenks, E.
Jennings, W. Ivor.
Jersey Law Society.
Johannesburg Public Library (per P. W. Carling & Co., Ltd.).
John Crerar Library (per F. W. Faxon Company).
Johns Hopkins University Library (per Allen & Son, Ltd.).
Johnson, Arthur (Paris).
Johore Government, Legal Adviser.
Jolowicz, H. F.
Jones, F. Llewellyn.
Jones, Owen.
Joseph, Bernard (Jerusalem).
Jowe, S. Y. (per G. E. Stechert & Co.).

Kahn, R. (per Sweet & Maxwell, Ltd.).
Kansas State Library (per International News Co).
Kansas University (per The Carswell Co., Ltd.).
Keen, F. N.

Keeton, G. W.
Keijo Imperial University (per Maruzen Co., Ltd.).
Keith, Professor A. Berriedale.
Kelantan Government, British Adviser to.
Kennedy, the Hon. Hugh (Dublin).
Kennedy, Professor W. P. M. (Toronto).
Kenya, Attorney-General (per Crown Agents).
Kenya, Supreme Court, Nairobi (per Crown Agents).
Kenya, Supreme Court, Mombasa (per Crown Agents).
King's Inns Library (per Hodges, Figgis & Co.).
Kobe University of Commerce, Japan (per Maruzen Co., Ltd.).
Kramers & Son (Holland).
Kyoto, Imperial University (per Maruzen Co., Ltd.).
Kyushu Imperial University (per Maruzen Co., Ltd.).

Lahore Law College.
Land and Agricultural Bank of South Africa (per Juta & Co., and Walker Bros.).
Latey, W.
Law Society. (4)
Lee, D. Campbell.
Lee, Professor R. W.
Leeds University Library (per Richard Jackson).
Leipzig, Bibliothek des Reichsgerichts (per A. Twietmeyer).
Leningrad Public Library (per Dawson & Sons, Ltd.).
Lévy-Ullmann, Professor (Paris).
Lewis, Marcus (Durban).
Lincoln's Inn Library.
Lindsay, Sir Benjamin.
Liverpool Public Library.
Liverpool University.
Lloyd, Major H. I. ('Iraq).
London Chamber of Commerce.
London Library.
London and National Society for Women's Service.
London School of Economics.
London University.
Los Angeles County Law Library (per The Carswell Co., Ltd.).
Los Angeles Public Library (per Stevens & Brown).
Lowndes, The Hon. Sir George.
Lucknow University Library (Law Dept.) (per Alfred Wilson).
Lyons University (per Brentano's, Paris).

Macassey, Sir Lynden.
McEnerney, G. W. (California).
MacGeagh, Sir Henry F.

McGill University Library (per W. H. Smith & Son).
McIlwraith, Sir Malcolm.
Macmillan, The Rt. Hon. Lord.
McNair, A. D.
Madras, Advocate-General (per Gordon & Gotch, Ltd.).
Madras Advocates Association (per Stevens & Sons, Ltd.).
Madras, Chief Secretary to Government.
Madras, Connemara Public Library.
Madras, Law College (per Gordon & Gotch, Ltd.).
Madras, Legislative Council Library (per Gordon & Gotch, Ltd.).
Madras, The Presidency College (per Gordon & Gotch, Ltd.).
Madrid, Biblioteca del Colegio de Abogados.
Madrid, Instituto de Estudios Internacionales y Economicos (per Wheldon & Wesley, Ltd.).
Malkin, Sir William.
Manchester Incorporated Law Library Society.
Manchester Public Library.
Manchester University.
Manisty, Herbert F.
Manitoba, Law Society (per The Carswell Co., Ltd.).
Manitoba Provincial Library (per Gordon & Gotch, Ltd.).
Mann, F. A.
Mannheim, Hermann.
Massachusetts State Library (per F. W. Faxon Co.).
Matthews, Mr. Justice (Natal).
Mauritius, Supreme Court Library (per Crown Agents).
"Meikan" Kyoto (per Maruzen Co., Ltd.).
Melbourne Public Library (per Sotheran & Co.).
Melbourne University (per David Nutt).
Mesopotamia, Ministry of Justice.
Mexico, Universidad Nacional (per Moore-Cottrell Subscription Agencies).
Meyer, Karsten (Copenhagen).
Michigan State Library (per The Carswell Co., Ltd.).
Michigan University Law Library.
Michigan University Library (per Sotheran & Co.).
Middle Temple Library (per Butterworth & Co.).
Milan University (per Fratelli Treves).
Ministry of Health (per H.M. Stationery Office).
Minnesota State Library (per N. A. Phemister Co.).
Minnesota University Law Library (per Sweet & Maxwell, Ltd.).
Minnesota University Library (per G. E. Stechert & Co.).
Missouri University Library (per G. E. Stechert & Co.).
Mitchell Library, Glasgow.
Montpellier University (per W. Muller).
Montreal Bar Library (per The Carswell Co., Ltd.).
Moore, John Bassett (New York).

Moscow, Biblioteke Kommunisti-Cheskoy Akademii (per Hugh Rees, Ltd.).
Moss, W.
Mysore, Chief Court.
Mysore Government, Secretary (per W. H. Smith & Son, Ltd.).

Nanking, Legislative Yuan Library (per Gordon & Gotch, Ltd.).
Nanking, Ministry of Foreign Affairs (per Wm. Dawson & Sons, Ltd.).
Napier, J. M.
National Central University, Nanking (per F. W. Faxon Co.).
National Library of Peiping (per Stevens & Brown, Ltd.).
National Resources Commission Library, Nanking (per Dawson & Sons Ltd.).
National Unionist Association.
National University of Peking (per Stevens & Brown).
National Wu Han University (per Geo. Harding).
Nebraska University Library (per Henry Sotheran Ltd.).
Newfoundland, Dept. of Justice.
New Guinea, Crown Law Officer.
New South Wales, Attorney-General (per Sweet & Maxwell, Ltd.).
New York Bar Association.
New York Law Institute (per Sweet & Maxwell, Ltd.).
New York Public Library (per Stevens & Brown).
New York State Library (per G. E. Stechert & Co.).
New York University. (2) (per G. E. Stechert & Co.).
New Zealand, Department of Labour.
New Zealand General Assembly Library (per Street & Co., Ltd.).
New Zealand, Ministry of Justice. (5)
Nigeria, Attorney-General (per Crown Agents).
Nijhoff, M.
Nobel Institute (Oslo).
Northern Ireland, Ministry of Finance.
Northern Rhodesia, Attorney-General.
North-Western University Law School.
North-Western University Library (per Stevens & Brown).
Nyasaland, Attorney-General (per Crown Agents).

Ohio State University Library. (2) (per G. E. Stechert & Co.).
O'Mahony, Eoin (Dublin).
Onibuwe, Ajayi (Uganda).
Ontario, The Hon. the Attorney-General.
Ontario Legislative Library (per Allen & Son, Ltd.).
Oregon Supreme Court Library (per The Carswell Co., Ltd.).
Oriental Library, Shanghai (per Dawson & Sons, Ltd.).
Osaka University of Commerce (per Maruzen Co., Ltd.).
O'Sullivan, Richard.

Palace of Peace (Holland) (per Sweet & Maxwell, Ltd.).
Palestine, Superintendent of Courts (per Crown Agents).
Parry, D. Hughes.
Patna High Court (per Das Gupta & Co.).
Pavia University (per Dawson & Sons, Ltd.).
Peiping National University, College of Law and Commerce (per Maruzen Co., Ltd.).
Pennsylvania State Library (per Mutual Subscription Agency).
Peru, Universidad Mayor de San Marcos (per B. Herder).
Phemister Co., The N. A. (New York).
Philadelphia Law Association (per Sweet & Maxwell, Ltd.).
Philippine National Library, Legislative Reference Division (per F. W. Faxon Co.).
Philippine National Library, Legislative and Civil Registry Division.
Phillips, G. Godfrey.
Phillips, O. H.
Plesch, Arpad (Croissy sur Seine).
Pollak, W. (Johannesburg) (per Sweet & Maxwell, Ltd.).
Pollock, The Rt. Hon. Sir Frederick.
Pomona College Library (per F. W. Faxon Co.).
Portsmouth, H.M. Dockyard (per H.M. Stationery Office).
Pretoria University.
Preussiche Staatsbibliothek, Berlin (per Beschaffungsamt der deutschen Bibliotheken.).
Princeton University Library, New Jersey (per F. W. Faxon Co.).
Pritt, D. N.
Privy Council Office (per H.M. Stationery Office).
Punjab Legislative Council, Lahore (per Sweet & Maxwell, Ltd.).
Pyke, H. Reason.

Quebec, Deputy Attorney-General.
Queensland, Department of Justice.
Queensland, Supreme Court Library (per The Carswell Co., Ltd.).
Queensland, University of (per B. H. Blackwell, Ltd.).

Rao, The Hon. M. E. Raghavendra (Nagpur) (per Wm. Dawson & Sons, Ltd.).
Reed College Library, Portland, Oregon (per G. E. Stechert & Co.).
Reichsverband der deutschen Industrie (Berlin) (per Engisch, von der Höh & Co.).
Rhymer, E. T.
Ripon Law College, Calcutta.
Risley, Sir J. S.
Robson, William A.
Rossi, Michele Gaetano de (Rome).
Rothenberg Bibliothek, Jena Universität (per Akademische Buchhandlung Rassmann).

Rowell, The Hon. N. W. (Toronto).
Royal Empire Society. (2)
Royal Holloway College (per B. H. Blackwell, Ltd.).
Ruegg, His Honour Judge.
Russell Sage Foundation Library (per F. W. Faxon Co.).
Rutgers University Library (per E. Steiger & Co.).
Ryan, M. J. (Dublin).

St. Lucia, Attorney-General (per Crown Agents).
St. Vincent, Supreme Court (per Crown Agents).
Salle de Travail de Droit Comparé. Faculté de Droit (per Recueil Sirey)
Sanderson, W. A. (Victoria, Australia) (per Sweet & Maxwell, Ltd.).
San Francisco Law Library (per The Carswell Co., Ltd.).
Sapru, The Rt. Hon. Sir Tej Bahadur (Allahabad, India) (per The Times Book Co., Ltd.).
Sarawak, Chief Justice, Kuching (per W. H. Everett & Son, Ltd.).
Saskatchewan, Legislative Counsel. (5)
Saskatchewan University (per Gordon & Gotch, Ltd.).
Schuster, E. (New York) (per Butterworth & Co.).
Sebald, William (Kobe).
Servants of India Society (Poona) (per P. S. King & Son, Ltd.).
Shanghai University Library (per Gordon & Gotch, Ltd.).
Shaw, Sir John H.
Sheffield Public Library.
Sierra Leone, Attorney-General (per Crown Agents).
Smith, Professor H. A.
Social Law Library, Boston, Mass. (per Sweet & Maxwell, Ltd.).
Society of Writers to H. M. Signet.
Solicitors Supreme Court Library (Edinburgh).
South Africa, Bloemfontein Supreme Court, Appellate Division.
South Africa, Bloemfontein Supreme Court, O.F.S. Provincial Division.
South Africa, Cape Town Supreme Court.
South Africa, Library of Parliament (per Juta & Co., and Walker Bros.).
South Africa, Pretoria Supreme Court.
South Africa Railway Headquarters.
South Australia, The Hon. the Attorney-General.
South-West Africa, Administration Library.
Southern California University (per The Carswell Co.).
Southern Law Society (Hobart, Tasmania).
Southern Rhodesia, Clerk to the Legislative Assembly.
Southern Rhodesia, Department of Justice.
Squire Law Library, Cambridge.
Stainton, J. A.
Stamp, J. H.

Stanford University Library, California (per G. E. Stechert & Co.).
Staricoff, Joseph.
Steedman, J. W. E. (Oban).
Stellenbosch University Library (per B. H. Blackwell, Ltd.).
Stephens, The Hon. Alex. W. (Georgia, U.S.A.).
Stiebel, Arthur.
Stoneham, R. T. D.
Straits Settlements, Colonial Secretary. (3) (per Crown Agents).
Straits Settlements, Department of Statistics.
Stubbs, J. M. B.
Sudan, The Hon. the Legal Secretary.
Sweet & Maxwell, Ltd.
Sydney Parliamentary Library (per Gordon & Gotch, Ltd.).
Sydney Public Library (per Law Book Co. of Australia).
Sydney University (per Sweet & Maxwell, Ltd.).
Syracuse University Library, New York (per F. W. Faxon Co.).
Szechuen, National University (per Dawson & Sons, Ltd.).

Taft, Henry W. (New York).
Taihoku Imperial University Library (per Sanseido Shoten).
Tanganyika, Attorney-General (per Crown Agents).
Tanganyika, The Registrar, High Court (per Crown Agents).
Tasmania, Agent-General.
Tasmania University.
Terrell, The Hon. Mr. Justice A. K. à Beckett (Straits Settlements).
Texas University (per G. E. Stechert & Co.).
Themaat, H. Ver Loren van (Stellenbosch) (per Dawson & Sons, Ltd.).
Thomson, J. H. (per Dawson & Sons, Ltd.).
Tokio, Gaimusho-Jyoyaku-Kyoko (per Maruzen Co., Ltd.).
Tokio Imperial University (per Maruzen Co., Ltd.).
Tokio, Joyaku-Kyoku, 2-Ka (per Mitsukoshi, Ltd.).
Tokio, The Keiogyuku Library (per Maruzen Co., Ltd.).
Tokio, Shihosho-Chosaka (Dept. of Justice) (per Mitsukoshi, Ltd.).
Toronto Reference Library (per Gordon & Gotch, Ltd.).
Toronto University.
Transvaal, The Hon. the Administrator.
Travancore, The Hon. the Dewan of.
Treasury Solicitor (per H.M. Stationery Office).
Trimble, M. (New Zealand).
Trivandrum, Addl. Head Sirkar Vakil.
Tsing Hua University Library, Peiping (per W. H. Smith & Son, Ltd.).
Tyldesley-Jones, W. E.

Uganda, Attorney-General (per Crown Agents).
Uganda, Entebbe, High Court (per Crown Agents).

United Provinces of Agra and Oudh.
United States Dept. of Labour Library (per P. S. King & Son, Ltd.).
University College, Dublin (per Colm O Lochlainn).
University College, London.
University College, Oxford (per Parker & Son, Ltd.).
University Law College, Calcutta.
University Library, Rangoon (per Wildy & Sons).
Upper Canada Law Society Library (per Sweet & Maxwell, Ltd.).
Utrecht University (per J. L. Beijers).

Van Zyl, G. V. (Cape Town) (per Juta & Co., and Walker Bros.).
Vassar College Library (per G. E. Stechert & Co.).
Vermont State Library (per F. W. Faxon Co.).
Victoria, Agent-General. (5)
Victoria University College Library (per Sotheran & Co.).

Wade, E. C. S.
Waseda University Library, Tokio (per Maruzen Co., Ltd.).
Washington, Dept. of State Library (per Stevens & Brown).
Washington and Lee University (per Stevens & Brown, Ltd.).
Washington University Law Library (per N. A. Phemister Co.).
Washington University Law School, St. Louis (per The Carswell Co.).
Washington University Library (per Stevens & Brown).
Washington University Library, St. Louis (per G. E. Stechert & Co.).
Webber, George J.
Wellesley College Library (per Stevens & Brown).
Wesley University (Middleton, Connecticut, U.S.A.) (per G. E. Stechert & Co.).
West India Committee, The.
Western Australia, Crown Law Dept.
Western Australia, Public Library (per Francis Edwards, Ltd.).
Western Australia, University of.
Western Reserve University Law School (Ohio) (per The Carswell Co.).
Western Reserve University Library (per G. E. Stechert & Co.).
Williams College Library, Mass., U.S.A.
Williams, Miss Ivy.
Wirth, Fredk., Jun. (Paris).
Wisconsin State Library (per The Carswell Co., Ltd.).
Wisconsin University Law Library (per N. A. Phemister Co.).
Witwatersrand, University of the (per Simpkin, Marshall, Ltd.).
Wolfe, A. J. (Washington).
Woodcock, F. P.
Wortley, B. A.
Wyler, Dr. Marcus (Switzerland).
Wyoming State Library (per N. A. Phemister Co.).

Yale Law Library (2) (per Sweet & Maxwell, Ltd.).
Yale University Library (per Allen & Son, Ltd.).
Yuan, F. S. H. (Peiping) (per W. H. Smith & Son, Ltd.).

Zanzibar, Attorney-General (per Crown Agents).
Ziegler, C. H.

Grants to the work of the Society are given by the Honourable Societies of Gray's Inn (£21), Inner Temple (£21), Lincoln's Inn (£21), the Middle Temple (£21), the Law Society (£21), Northern Ireland Inn of Court (£5 5*s*.) and the Canadian Bar Association ($50).

CONTRIBUTORS.

The thanks of the Committee are offered to the following :—

(*a*) Contributors to the Journal of the Society during the year 1935 : Miss N. Adler, C.B.E., J.P. ; Sir Maurice S. Amos, K.B.E., K.C. ; S. H. Bailey, Esq. ; C. E. A. Bedwell, Esq. ; Norman Bentwich, Esq., O.B.E., M.C. ; Wyndham A. Bewes, Esq. ; Cecil T. Carr, Esq., LL.D. ; Professor R. T. S. Chorley ; Dr. Ernst J. Cohn ; Professor René David ; S. Vesey Fitzgerald, Esq., LL.D. ; J. C. Gardner, Esq. ; F. M. Goadby, Esq., D.C.L. ; Dr. jur. Rudolf Gottschalk ; Øystein Heggstad, Esq. ; W. H. Hill, Esq. ; Professor Sir W. S. Holdsworth ; C. Wilfred Jenks, Esq. ; Edward Jenks, Esq., D.C.L. ; W. Ivor Jennings, Esq. ; F. N. Keen, Esq. ; Professor A. Berriedale Keith, D.C.L. ; R. T. E. Latham, Esq. ; H. Lauterpacht, Esq. , LL.D. ; John Layard, Esq. ; Professor R. W. Lee, D.C.L. ; Professor Henri Lévy-Ullmann ; Sir Benjamin Lindsay ; Professor Hermann Mannheim ; R. C. Maxwell, Esq., LL.D. ; Sir W. Harrison Moore, K.B.E., C.M.G. ; Pitman B. Potter, Esq. ; Sir Alison Russell ; Professor H. A. Smith, D.C.L. ; Dr. jur. E. Stiefel ; F. A. Vallet, Esq. ; E. C. S. Wade, Esq. ; F. P. Walton, Esq., LL.D. ; B. A. Wortley, Esq., LL.M. ; Dr. Marcus Wyler ; Sir Alfred Zimmern.

(*b*) Writers of the Summaries of Legislation for the Annual Review during the year 1935 : The Hon. Mr. C. G. Alabaster, K.C., O.B.E. ; C. W. Duret Aubin, Esq. ; E. L. Bean, Esq. ; W. E. Bentley, Esq., K.C. ; H. W. B. Blackall, Esq. ; J. E. Broadbent, Esq. ; Cecil T. Carr, Esq., LL.D. ; B. W. Celestain, Esq. ; J. Christie, Esq., C.M.G., LL.M. ; J. C. Collinson, Esq., K.C. ; C. J. Colombos, Esq., LL.D. ; M. de Comarmond, Esq. ; A. N. Doorly, Esq. ; Brian Dunfield, Esq., K.C. ; His Honour Mr. Justice Gore ; Sir Lancelot Graham, K.C.I.E. ; J. B. Griffin, Esq. ; G. Hartog, Esq. ; H. Ralph Hone, Esq., M.C., LL.B. ; John D. Hunt, Esq., K.C. ; the Hon. Hector Josephs ; His Honour G. A. Joy ; George S. Knowles, Esq. ; the Hon. Mr. Justice Lansdown ; Arthur Lewey, Esq. ; L. E. V. McCarthy, Esq. ; the Hon. Harcourt Malcolm, K.C., O.B.E. ; A. G. B. Manson, Esq. ; F. F. Mathers, Esq. ; His Honour Captain W. H. Maxwell-Anderson, C.B.E., K.C., R.N. (ret.) ; A. de Mello, Esq. ; H. G. Morgan, Esq. ; R. J. Morton, Esq., M.C., B.A., LL.B. ; J. S. Neill, Esq. ; A. V. Pineo, Esq. ; H. Pring, Esq. ; A. Denis Pringle, Esq. ; Sir Arthur S. Quekett, K.C. ; Frederick Read, Esq., LL.B. ; G. Robertson, Esq. ; John J. Robinette, Esq. ; Alan Roe, Esq. ; Hon. C. C. Ross ; J. P. Runciman, Esq. ; the Hon. J. E. Salmon ; W. F. Sayer, Esq., K.C. ; A. A. Schoch, Esq. ; H. Lester Smith, Esq. ; L. D. Smith, Esq. ; Hon. H. W. Steele ; Sudan, the Hon. the Advocate-General ; the Hon. Mr. Justice Fabre Surveyer ; R. S. Thacker, Esq. ; I. J. Turbett, Esq. ; His Honour Judge Zichy-Woinarski, K.C. ; S. H. Zichy-Woinarski, Esq., M.A., LL.B.

ANNUAL REPORT.

THE losses which the Society suffered during the year 1935 have been quite exceptional, and shortly after its close the office of President became vacant by the death of the Marquess of Reading, whose services to the Empire as a great lawyer, statesman and administrator were known throughout the world. Among the members of the Council who have died, Sir William Harrison Moore may be mentioned first for his constant interest and active co-operation in the work of the Society. The Committee had expressed their appreciation of his many services by electing him to be an honorary member, and his letter of acknowledgment was received a few weeks after his death. His last article which arrived with it was published with a memoir in the November issue of the *Journal.* Lord Morris took an active interest in the work of the Society as Premier of Newfoundland, and it is a happy coincidence that last year the Ministry of Justice renewed their annual subscription. The Committee have also to deplore the loss of the Right Hon. Edward Shortt, who had been a member of the Council since he held the office of Home Secretary. Dr. B. C. J. Loder and the Rev. Canon Waters, who died during the year, were both members of many years' standing and evidenced the wide range of interest covered by the work of the Society.

The Committee much hope that the successful Dinner held on December 2 to welcome their Chairman, Lord Macmillan, on his return from a visit to South America, may be the means of arousing new interest in the work of the Society. H.E. the Ambassador of Brazil and Madame Régis de Oliveira head the following list of guests who were present at the first public function organized by the Society for thirty years : Mr. and Mrs. Charles Alder, the Rt. Hon. Lord Alness, Sir Maurice Amos, K.B.E., K.C., Miss Iran Aronson, Lord Askwith, Sir Algernon and Lady Aspinall, the Rt. Hon. Lord Atkin, Mr. Arthur Barratt, K.C., Mr. R. J. Beattie, Mr. and Mrs. C. E. A. Bedwell, Mr. W. L. Bedwell, Mr. Wyndham A. Bewes, Mr. Gilbert Beyfus, K.C., and Mrs. Beyfus, Sir Chartres Biron, the Rt. Hon. Lord Blanesburgh, G.B.E., Miss Maude Bower, Mr. Hinton Burdon, Mr. Richard and Miss M. E. Butler, Mr. Kenneth Carpmael, K.C., Mr. Cecil T. Carr, Miss Clark, the Hon. Mr. Justice and Lady Clauson, Mr. and Mrs. H. M. Cleminson, Professor Ernst Cohn, Mr. C. J. Colombos, the Rt. Hon. T. M. Cooper, K.C., Lord Advocate, Sir Harry Courthope-Munroe, K.C., Mr. Clement Davies, K.C., Mr. C. G. Dehn, Mr. Raymond Evershed, K.C., Dr. Letitia Fairfield, Miss G. A. Figg, Mr. S. Vesey FitzGerald, Mr. R. S. Fraser, Mr. and Mrs. Frank Gahan, Mr. J. C. Gardner, Dr. and Mrs. R. D. Gillespie, Dr. F. M. Goadby, Professor H. Goitein, Sir William Gowers, K.C.M.G., Sir W. M. Graham-Harrison, Sir Ernest and Lady Graham-Little, Mr. Philip Guedalla, Professor H. C. Gutteridge, K.C., Mr. T. D. Harrison, Mr. D. H. J. Hartley, Mr. N. Hindley, Mr. Hector Hughes, K.C., Mr. V. R. Idelson, Mr. W. E. Jackson, Mr. J. E. James, Mr. and Mrs. Ivor Jennings, the Hon. Pearl Lawson Johnston, the Hon. Hugh Lawson Johnston, Professor H. F. Jolowicz, Mr. Owen Jones, Mr. H. Trevor Jones, Mr. F. N. Keen, Mr. and Mrs. Derek Kitchin, His Honour Judge and Mrs. Konstam, Lieut.-Commander A. D. Lacy, Mr. D. Campbell Lee, Professor R. W. Lee, Lord and Lady Luke, His Honour Sir Herbert Lush-Wilson, K.C., Mr. and Mrs. E. J. MacGillivray, Mr. J. Logan Mack, the Rt. Hon. Lord and Lady Macmillan, the Hon. Mr. Justice and Lady Macnaghten, Sir William Malkin, K.C.M.G., C.B., Mr. H. F. Manisty, K.C., and Miss Manisty, Dr. and Mrs. Marr, the Rt. Hon. Lord and Lady Maugham, Rev. F. Hawtrey May, Mr. L. Morgan May, Mr. F. Mellor, Sir T. Dawson Miller, K.C., and Miss Miller, Mr. and Mrs. J. Bell Milne, Mr. R. M. Montgomery, K.C., and Mrs. Montgomery, Mr. F. St. John Morrow, Mrs. Helena Normanton, Mr. Richard O'Sullivan, K.C., Mr. E. H. and Miss Owers, Professor and Mrs. D. Hughes Parry, Mr. J. Beaumont Pease, Mr. James Petrie, the Rt. Hon. Sir Frederick Pollock, Bart., K.C., Mr. D. D. Reid, M.P., Mr. J. E. Rubie, the Rt. Hon. Lord Justice Scott, Mr. T. G. Spyers, Mr. John A. Stainton, Mr. J. H. Stamp, Mr. J. W. E. Steedman, Mr. F. R. Stephen, Mr. Arthur Stiebel, Mr. J. M. B. Stubbs, His Honour Hugh Sturges, K.C., Mr. W. Bruce Thomas, K.C., Miss K. I. Toogood, the Rt. Hon. Sir John Power Wallis, Mr. J. B. Forbes Watson, Mr. and Mrs. George Webber, Mr. R. E. and Miss Willcocks, Mrs. M. Wolff, Mr. and Mrs. F. P. Woodcock, the Master of the Rolls and Lady Wright.

Mr. G. Hartog, who has for many years been responsible for the review of Transvaal legislation, accepted the Committee's invitation to become an honorary member.

The total number of members during the year remained stationary, so it may be hoped that the tendency to decline has been stayed, though the Committee particularly regret the loss of subscriptions from nine overseas Government Departments. Though the amounts received in subscriptions show an increase over the last account, this is due to rather more prompt payments than to any gain in membership. The figure for sales is a great improvement on immediately preceding years, and accounts for the increase in receipts of £70. As this is a fluctuating item, it cannot be relied upon or be regarded as a substitute for an increase in membership.

In the expenditure, slightly larger parts of the *Journal* account for a small addition, and there is an item of £11 5*s*. for the cover which occurs at irregular intervals. Extra postage and stationery were required for the Dinner.

The Society was again called upon to supply a deficiency in the current account from its small credit balance. Owing to the fact that there was a balance of receipts over expenditure of over £45, this deficiency was only £55 as against £102 in 1934. It was, however, sufficient to reduce the credit balance to such small proportions as to make it necessary for the Society to realize £100 of its holding in War Loan. It is obvious that this is a financial condition which cannot continue indefinitely.

The Committee desire to place on record their appreciation of the continued support accorded by the four Inns of Court, the Law Society, the Inn of Court of Northern Ireland, the Canadian Bar Association and the Government of Fiji.

The encouragement received by the Committee by the cordial support given to the Dinner justifies them in the belief that the Society has resources of vitality which will enable it to renew its youth and continue with increased vigour, and a larger membership, the work which it has carried on for forty years.

MACMILLAN, *Chairman*.

SOCIETY OF COMPARATIVE LEGISLATION.

Receipts and Payments Account for the Year ended December 31, 1935.

Dr.

	£	s.	d.	£	s.	d.
To Subscriptions:						
General	406	4	2			
Government	166	7	0	572	11	2
,, Grants:						
Law Society	21	0	0			
Lincoln's Inn	21	0	0			
Middle Temple	21	0	0			
Inner Temple	21	0	0			
Gray's Inn	21	0	0			
Canadian Bar Association	10	1	5			
Northern Ireland Inn of Court	5	5	0			
Government of Fiji	5	0	0	125	6	5
,, Sale of *Journals*	99	1	6			
Less Cost of Reprints and Back Numbers	13	2	0	85	19	6
,, Proceeds of Advertisements				8	8	0
,, Sale of *Great Jurists of the World*				1	19	5
,, Interest on £400 War Loan				10	17	0
				805	1	6
,, Cash at January 1, 1935:						
In hand	2	4	11			
In bank	63	19	10	66	4	9
,, Subscriptions in arrear paid in 1935				14	14	0
,, Subscriptions in advance paid in 1935				60	6	0
,, Proceeds of Sale of £100 3½% War Loan				103	19	0
				£1,050	5	3

Cr.

	£	s.	d.	£	s.	d.
By Publication of *Journal*:						
Printing vol. xvi, pt. 4	156	18	0			
Printing vol. xvii, pt. 1	139	2	8			
Printing vol. xvii, pt. 2	123	14	7			
Printing vol. xvii, pt. 3	97	4	8			
	516	19	11			
Add Cost of Paper	39	16	1	556	16	0
,, Salary of Secretary				250	0	0
,, Rent of Chambers	100	0	0			
Less Rent received	40	0	0	60	0	0
,, Lighting, Heating and Cleaning of Chambers				18	19	3
,, General Expenses, including Postage and Insurance				28	6	5
,, Telephone				8	3	5
,, Stationery				11	15	11
,, Audit of Accounts				3	3	0
				937	4	0
,, Cash at December 31, 1935:						
In hand	5	12	2			
In bank	107	9	1	113	1	3
				£1,050	5	3

We have examined the above Receipts and Payments Account with the Books and Vouchers, and certify that it agrees therewith. We have verified the Bank Balance and also the investment of £300 3½% War Bonds.

LONDON: 48, Copthall Avenue, E.C.2.
February 28, 1936.

CASH, STONE & CO.
Chartered Accountants.

INTRODUCTION.

[*Contributed by* F. M. GOADBY, ESQ., D.C.L.]

IT is now many years since Sir William Harcourt remarked, possibly without much enthusiasm, that "we are all Socialists nowadays." That stalwart Liberal Crusader of the great epoch has, indeed, left his mark on the law relating to taxation, and the application of the principles of the Budget of 1894 is responsible for definite social changes, which were, indeed, clearly foreseen. The belief that by legislation and associated administration the current of human affairs may be definitely changed for the better is not peculiarly socialistic, but upon its soundness depends the practical success of socialistic effort. The legislation of 1934 shows that both the Imperial and Dominion Governments are convinced that more and more legislation imposing control over economic effort is essential. Though the driving force is to be found in the desire for national self-sufficiency rather than in economic theory, yet the implications of the movement are certainly socialistic.

Special attention will therefore be directed in this Introduction to the body of new legislation directed to economic organization and protection of labour. Before touching, however, upon legislation of this type, we may, following precedent, note the most important enactments touching the organization and working of the organs of Government.

Constitutional Law.—The legislation of the period under review was not, however, very noteworthy. Even the Irish Free State contributed nothing of striking interest. The Newfoundland Act (p. 2) gives effect to the recommendation of the Royal Commission so far as legislation was requisite for the purpose. Northern Ireland has amended the local Representation of the People Act (p. 28), and has applied to local elections the principles of the Imperial Blind Voters Act, 1933 (p. 28).

Victoria at length brought its machinery for dealing with disputed returns into line with English and Commonwealth practices (p. 97), and the Parliament of the Union of South Africa declared its status as the sovereign legislative power in the Union in language which it may be hoped will be unction to any soreness against Great Britain which may still lurk in any Afrikander heart (p. 129). A complemental Act regulates royal seals and signets (p. 130).

The Imperial Colonial Stock Act, 1934 (p. 2) should be considered in relation to an Act of the Union of South Africa ratifying a Declaration of the Union (p. 125).

The menacing rubric "Secession" in our index refers to the Act of Western Australia (p. 100) relating to the presentation of the application to withdraw from the Federal Commonwealth, the fate of which is now well known.

Local Government.—In the sphere of Municipal Government perhaps the most noteworthy effort was the enactment in Palestine of the Municipal Corporations Ordinance (p. 188) which has long been in course of preparation. Our correspondent speaks hopefully of its working in an atmosphere which, it must be admitted, does not, at the moment of writing, suggest many reasons for hopefulness.

The year was also marked in South Australia by a large amending and consolidating Local Government Act (p. 85), the principal purpose of which was to unify so far as possible the law relating to municipal corporations and that relating to district councils. In Cyprus elections to Municipal Councils were suspended, and are to remain in suspense till 1940. In the meantime the management rests with nominees of the Governor (p. 186).

Amendment of the Cape Municipal Ordinance is, our correspondent remarks, an annual duty. In 1933 special provision had to be made in order to re-qualify municipal councillors and officials who had followed an established practice in getting petrol from municipal stores at cost price (p. 131). The practice was, we are not surprised to learn, declared illegal by the courts, though apparently it had some local advantages. In any case the possibilities of abuse must have been so great that its disappearance could hardly be a matter for regret.

Economic Organization.—In the United Kingdom the year was marked by further intervention " to make work at home " in the form of subsidies for sugar and for shipbuilding, protection for oil from coal, and dyestuffs (pp. 8–9). The Milk Act, a further Agricultural Marketing Act, and the Cattle Industry Act (pp. 12–13) are of the same order of legislation. But indeed, in almost every part of the Empire we find marked evidence of the same tendency. The fact may be illustrated by examples.

The sale of milk and the dairy industry in general has been the object of important regulative legislation in Northern Ireland (p. 20) ; Alberta (p. 44) ; Quebec (p. 61) ; South Australia (p. 85) ; Victoria (p. 91) ; Western Australia (p. 102) ; and New Zealand (p. 112). The Act of Western Australia, of which the late Solicitor-General gives us a detailed account, is of special interest. Marketing, more particularly agricultural marketing, apart from dairy products, has also been the object of legislation in Northern Ireland which initiated agricultural co-operation under State control in that territory (p. 21). The original Act of 1933 has since been amended (1934) to meet difficulties which occurred in the working of the pig and bacon schemes (p. 22). The Free State has further regulated the growing and sale of cereals (p. 29), Canada has regulated the fruit and honey industries (p. 40), and the marketing of natural products of Canada has been placed under a Dominion Marketing Board by the Natural Products Marketing Act, 1934[1] (p. 40). The Provinces have co-operated in the carrying out of these schemes by complementary provincial legislation (pp. 44, 50, 54, 58, 61). Alberta has further created a department to encourage the betterment of the conditions of all trade in and the development of the natural resources of the Province. Under this legislation prices and wages may be regulated (p. 43). The same Province has controlled the marketing of wheat in accordance with international agreement (p. 42). Nova Scotia has regulated the sale and distribution of gasolene (p. 55), and Newfoundland the trade in herrings (p. 69).

Further legislation concerning the meat industry has been enacted in

---

[1] The constitutional validity of this Act is now in issue before the Judicial Committee.

New South Wales (p. 77), Tasmania (p. 88) and New Zealand (p. 112). And in South Africa the whole industry has been subjected to control by a Livestock and Meat Industries Control Board with extensive powers, including that of levy (pp. 124–5). The rubber restriction schemes gave rise to legislation in British India (p. 144) and North Borneo (p. 160) and elaborate legislation on the same subject was passed in Ceylon (p. 152). The control of the marketing of maize and maize meal in Southern Rhodesia, already established in some parts of the Colony, has been extended throughout and a new system of quotas established (p. 139). The fruit industry in various forms has also been the subject of control in various territories, *e.g.* the dried fruit industry in South Australia (p. 86), the fruit industry in Tasmania (p. 88) and bananas in several West Indian islands (pp. 178, 179).

In Queensland the sandalwood industry was controlled mainly with a view to preservation (p. 83). Reference may also be made here to the United States of America legislation directed to the planning of industry summarized on pp. 190 ff.

Protection of Industry.—The protection of home industry was responsible for a considerable body of legislation. Indian industry has been "protected" in this sense by the Indian Tariff (Textile Protection) Amendment Act, which gives statutory effect to the trade agreement with Japan. The new Steel Industry Act, however, modifies considerably the "protection" afforded by the Act of 1927. Australia continued and revised the bounty on raw Cotton (p. 71), on Wine, and on Wheat (p. 72); Southern Rhodesia taxed its cattle industry in order to provide an export bounty on beef (p. 139). Quotas for import of Textiles from foreign countries, *i.e.* those outside the Empire, were fixed in many Crown Colonies, as may be seen by a glance at this rubric in the Index.

The efforts of the Government of Zanzibar to effect an improvement in Zanzibar copra and in Zanzibar cloves were manifested by an Agricultural Produce Decree (p. 171) and an Adulteration of Produce Decree (p. 172).

The recent Report of the Commission of Enquiry concerning the Riot in Zanzibar on February 7, 1936, tells us that it was the irregular administration of the latter decree which aroused the anger of the poorer and more turbulent classes of Arabs, and produced—not unnaturally in the circumstances—the unhappy events of February 7. "If any enactment is promulgated," says the Commission, "which is likely to cause dissatisfaction or misunderstanding amongst the natives, then, at least the native should be given a fair opportunity to learn and understand the meaning of its terms and methods of improvement before the practical application of the law is forced upon him."

Banking.—In this connexion, as within the sphere of economic organization, mention may be made here of the Banking legislation of the year. Our correspondent gives us a very complete account of the law regulating the constitution and management of the Bank of Canada (pp. 34 ff.) and of the new Bank Act which regulates the chartered banks (p. 33). Attention may also be drawn to the Act setting up a Reserve Bank for India (p. 141) and to Australian legislation relating to Agricultural and Rural Banks (pp. 78, 106).

Labour and Social Legislation.—The Protection of Labour and maintenance of Social Conditions are so closely associated with control of trade and industry as to make it difficult sometimes to classify legislation as belonging primarily to one head or the other. The period under review was prolific in enactments directed either to control industry in the interest of the workmen or to assist the unemployed. In the United Kingdom the Unemployment Act, 1934 (p. 9) and the Poor Law (Scotland) Act, 1934 (p. 11) have the same general purpose, though there are striking differences still existent between the two countries in this field. The Shop Acts (p. 9) and the Mining Industry (Welfare Fund) Act (p. 13) aim at improving the lot of the workers directly. The Unemployment Act of Northern Ireland (p. 25) resembles the British enactment. The Irish Free State has at length brought its Workmen's Compensation legislation up to date (p. 82), and an elaborate consolidating and amending statute has been enacted in the Union of South Africa (p. 127). The Amendment necessary to correct the unfortunate result of the decision in *Ward* v. *Dorman Long & Co.* was made in England (p. 17) and Northern Ireland (p. 26).

Alberta has made provision to secure the wages of coal-miners (p. 44) and the remuneration of threshers (p. 47), and legislation in several territories has been directed to procure the payment of minimum wages, *e.g.* British Columbia (p. 50), Manitoba (p. 53), New Brunswick (p. 54) and Quebec (p. 61)

In Quebec also an extension of the Industrial Establishments Act further regulates the employment of young persons (pp. 63–64), and an attempt has been made to make legally binding collective agreements as to wages and hours of labour (p. 64).

An enactment in Quebec provides that no male worker is to be employed in women's work at a less salary than that which is fixed for such work executed by women (p. 61). Many in England would be happy to see this rule generalized and applicable to both sexes.

Our Indian correspondent draws special attention to the consolidating Factories Act, 1934, which carries out the recommendations of the Royal Commission on Labour in India and (*inter alia*) establishes a fifty-four-hour working week in factories (p. 144).

In the Crown Colonies also the legislator has been active both as regards compensation for accidents and hours of labour.

Ceylon in its new compensation legislation follows Indian precedent (p. 154); British Guiana and Grenada have now made provision for payment of compensation (pp. 174, 178), and Malta has extended the scope of previous legislation (p. 187). Minimum wage Ordinances, mainly for the purpose of giving effect to the Geneva Convention of 1928, have been enacted in Mauritius (p. 160), Sierra Leone (p. 164), Uganda (p. 169) and Grenada (p. 178). Sierra Leone has also codified and improved its existing law regulating the relations between employers and employed (p. 165).

The Uganda Ordinance empowers the Governor to fix a minimum wage by order where wages are unreasonably low (p. 169), and somewhat similar provisions have been enacted in St. Vincent (p. 178). The employment of children under 12 has been prohibited in Jamaica (p. 177).

Housing and Town-planning.—Our own efforts to deal with the slums have been imitated in South Africa by an Act which makes comprehensive provision for their elimination (p. 126). The crucial question in all attempts to deal with this problem is that of compensation. The South African Act appears to be as drastic as that of England. The Act, however, only applies in the first instance to the eight larger towns. Jersey has introduced a scheme to assist workmen to build their own houses

(p. 19), and this State building society is reported by the Solicitor-General to have proved a great success. In New South Wales a Homes for Unemployed Trust has been constituted and provided with funds to supply housing for the unemployed.

The first Town Planning Act has been passed in the Irish Free State (pp. 31–2) and town planning schemes have also been authorized in Queensland (p. 80). The lay-out of " private townships " and the preparation of town plans have also been the subject of legislation in Natal (p. 134).

Education.—In the sphere of Education no important legislation appears to have been effected. The fact that in Manitoba it is now made compulsory to state the salary offered in advertisements for teachers in public schools (p. 53) suggests a previous practice of asking for the lowest tender. Alberta has wisely extended power to provide free medical and dental treatment to children of pre-school age (p. 48). Racial minorities have often protested against the compulsory education of their children in the language of the majority. It is interesting to find that in the Transvaal legislation is necessary to prevent parents making a false declaration of their home language, just in order to secure that the child may be taught in a language not that of the home (p. 137).

Racing and Betting.—The usual mass of new legislation as to Racing and Betting appeared in the year under review, but only in the United Kingdom does anything noteworthy seem to have been attempted. The Betting and Lotteries Act is amply summarized by Dr. Carr (pp. 6–7). From the Straits Settlements comes an Ordinance designed to close a loophole which the courts had discovered in the existing Betting Ordinance. Members of the local Turf Club who bet within the members' enclosure with other members upon the result of horse races will henceforth be acting illegally (p. 157). The object of this legislation is apparently the protection of the totalizator. In Malta precedent has been followed by setting up a Racecourse Control Board to control the operation of totalizators at horse and greyhound races (p. 186).

Motor Transport.—The mass of new legislation relating to Motor Transport defies summary. Notwithstanding our own Road Traffic Act (p. 15) our highways are yet far from the prophetical ideal suggested by Dr. Carr and have not been made fool-proof. Though lions are lacking the redeemed would nevertheless be ill advised to walk therein. In the Bahamas the Governor is empowered to require that motor-cars should be fitted with governors of another sort to limit their speed (p. 175). The Transvaal seeks to diminish reckless driving by setting out defined criteria of negligence (p. 136).

The Highway Traffic Act of Prince Edward Island now provides a penalty for negligently splashing pedestrians (p. 57). Nevertheless, it is to be feared that pedestrians will continue to be splashed there as here. In Bermuda (p. 70) the use of motor-cars on any public road is prohibited on pain of forfeiture. The exceptions are strictly limited. For those who desire a quiet Victorian life Bermuda must indeed be a paradise. Alberta is very specific as regards the lighting of vehicles, enacting by statute provisions which are more usually added by regulation.

" No part of the direct beam of reflected or refracted light projected from any headlight shall rise more than 42 inches above the level plane upon which the vehicle stands at a distance of 75 feet from the vehicle."

The same Act makes provision, as noted in the summary, to bar the guest passenger from his action against owner or driver for injury due to negligence. New Brunswick (p. 34) has legislated on the same lines.

The Motor Vehicles and Road Traffic Act of Northern Ireland (pp. 23–4) follows on the whole lines already familiar. The much-afflicted pedestrian is, however, at the suggestion of the Senate, made punishable for negligently endangering his own safety, a provision which does, indeed, add insult to injury. The Government on this point seems to have taken a more realist view of the situation than the Houses. It is satisfactory that a presumption of agency on the part of the driver should in civil cases be raised against the owner, and that the operation of the *actio personalis* rule should be abolished at least so far as regards actions for damages arising out of motor accidents. Our own Law Reform Act, 1934, does not extend to Northern Ireland.

Liquor Traffic.—The control of the Liquor Traffic has engaged the attention of several legislatures. In our Reviews of the Legislation of 1924 and of 1925 will be found ample summaries of the Alberta legislation of those years upon this subject. The principle of local option which came so near adoption in England thirty years ago is, it seems, successfully operated in Alberta, and by an Act of 1934 has been extended to the sale of beer in closed bottles for consumption elsewhere than on licensed premises (p. 45).

In Saskatchewan an Act gives the electors the chance by plebiscite of permitting the sale of beer by the glass. Under the ordinary law all intoxicating liquor is sold in closed packages (p. 67). The Licensing (Permitted Hours) Act, 1934 of the United Kingdom (p. 6) is another example of the numerous classes of enactments which have been made requisite by particular judicial decision as to the interpretation of existing law. Some examples of this type of legislation have already been mentioned. Among others which occurred during the year under review may be mentioned the Solicitors Act (United Kingdom), obviating the result of *Law Society* v. *United Service Bureau* (p. 16); Fisheries (Tidal Waters) Act (Irish Free State), rendered necessary by the decision in *Moore* v. *Att.-Gen.* (p. 30); a bundle of Succession Duty Amendment Acts from the Canadian Provinces, made requisite by the decision of the Privy Council in *Kerr* v. *Att.-Gen. of Alberta* (pp. 50, 52, 54, 66); a Queensland enactment as to interstate trade in motor spirit (p. 84), and an Ordinance of the Orange Free State meeting a difficulty as to teachers' pensions raised by a recent decision (p. 135). Victorian legal opinion is stated to be much befogged by an attempt on the part of the legislature to abrogate the rule in *Wharton* v. *Masterman* as applied to charities. The intention of the legislator seems likely to be defeated as a result of ineffective drafting (pp. 90, 91).

Uniformity of Legislation.—In many previous Introductions to our Reviews of Legislation, attention has been called to the steady trend—particularly in the Crown Colonies—towards uniformity of legislation with the metropolis. This trend was illustrated in 1934 by numerous important examples. In Gibraltar in particular the local authorities adopted in principle the following English Acts: Coroners (Amendment) Act, 1926; Public Authorities Protection Act, 1893, Bankruptcy Acts, 1914, 1926, Truck Act, 1896, Protection of Birds Act, 1933, Moneylenders Act, 1927, Betting and Loans (Infants) Act, 1892, Arbitration Act, 1934, Sunday Entertainments Act, 1932, Offences against the Person Act, 1861, and all subsequent legislation of the same character, Adoption of Children Act, 1926, Sentence of Death (Expectant Mothers) Act, 1931. Our correspondent, the Attorney-General, points out that an attempt has been made to modify the much-criticized proviso to s. 2 of the Criminal Law Amendment Act, 1922. As to the nature of the modification we must refer readers to p. 184 of this Review.

Trinidad has legislated in accordance with the Mental Treatment Act, 1930, and the local law has been brought into line with the Summary Jurisdiction (Married Women) Act, 1895, and amending statutes, and with the Road Traffic Acts, 1930, 1934 (pp. 180–1). Kenya bases the new Juvenile Offenders Ordinance on the Children and Young Persons Act, 1933 (p. 166); Sierra Leone has dealt with undesirable advertisements on the lines of the Venereal Diseases Act, 1913, and has regulated the business of pawnbroking in accordance with the Imperial Act of 1872. The Federated Malay States have now abandoned the Indian Negotiable Instruments Act and substituted the Bills of Exchange Act, 1882, already in force in the Straits Settlements (p. 159). Bermuda has likewise codified her law as to negotiable instruments in the sense of the English Act; omitting, somewhat oddly, the provisions as to crossed cheques which, presumably, are not in use in the islands (p. 70).

Newfoundland has in part adopted the Official Secrets Act (p. 68), and several territories have enacted the provisions of the Infanticide Act, 1922 and the Sentence of Death (Expectant Mothers) Act, 1931, *e.g.* Hong Kong (p. 156), Barbados (p. 176) and Nyasaland (p. 168).

The tendency towards uniformity is sometimes regional rather than centripetal. Thus Zanzibar has now adopted the East African Penal Code, which is gradually extending its range in accordance it would seem with recommendations made by the Law Officers of the East African Dependencies. This influence is also responsible for new penal legislation in Nyasaland designed to secure greater conformity with that of the adjacent territories. The East African Penal Code has been criticized in some quarters, and its extension of range not viewed with favour. Our Nyasaland correspondent points out, however, that the growing uniformity of law throughout East Africa is subject always to the special needs suggested by local conditions.

In a very different sphere the growing uniformity of Canadian legislation has been increased by the adoption by Prince Edward Island of the Canadian model Conditional Sales of Goods Act already accepted in British Columbia, New Brunswick and Nova Scotia (p. 57). New Brunswick has also adopted the uniform Automobile Insurance Law.

Criminal Law and Procedure.—In the sphere of Criminal Law and Procedure the most interesting contribution is made by the United Kingdom in the form of the Incitement to Disaffection Act (p. 5), though mention should also be made of the important federal criminal legislation emanating from the 73rd Congress of the U.S.A. (pp. 195 ff.). Apart from these and the numerous cases already mentioned of adoption by various territories of imperial or regional penal legislation, there is little which demands special notice. The Maltese Ordinance which makes Maltese the official language of the courts (p. 187) is of considerable local importance, and extends both to civil and criminal proceedings.

Civil Procedure.—As regards civil proceedings, the striking changes in traditional rules effected by the Law Reform Act of the United Kingdom (p. 3) are, we trust, only harbingers of still more legal deviations into sense.

In British Columbia also an amendment to the Administration Act restricted the application of the *actio personalis* rule (p. 49) by providing that "the legal representative of a deceased person may maintain an action for tort in the same manner and with the same rights as the deceased would have had if he had lived" with certain reservations.[1] As already noted, Northern Ireland has also, in a limited class of cases, abolished the *actio personalis* rule.

Another welcome reform in Procedure was that effected by the Administration of Justice (Appeals) Act (p. 3). Appeals were also regulated in Fiji (p. 117). The Straits Settlements adopted the English arrangement as to the form of the body of law governing Civil Procedure; practice and procedure will henceforth be governed by Rules of the Supreme Court. Procedure in arbitration was improved at home by the Arbitration Act, 1934 (p. 4), the provisions of which were forthwith incorporated into the law of Gibraltar (p. 183). Palestine made provision for the enforcement of foreign awards (p. 187).

New Zealand has instituted a procedure for the enforcement of foreign judgments based upon the Imperial Act of 1933 (p. 110). In Canada, a uniform Act upon this subject has been prepared by the Commissioner on Uniformity of Legislation, and this model Act has now been adopted in Saskatchewan (p. 67).

Moneylending.—Few businesses are more elusive of control in oriental countries than that of Moneylending, and few are more susceptible of abuse. Assam (p. 150) has sought more effectually to control moneylending, and in the Central Provinces the Usurious Loans Act, 1918, has been amended and further legislation enacted to regulate moneylending transactions (p. 151). Nyasaland has empowered the court to reopen harsh bargains (p. 168) and Gambia (p. 162) has legislated to the same effect, adopting in this and other respects the provisions of the Imperial Acts. Similar legislation is reported from Zanzibar (p. 171), and in Palestine also (p. 190) the powers of the court as regards relief have been enlarged. To this category of legislation belong also the measures for the relief of mortgagors and assistance of farmers, of which there are numerous examples. We may instance in particular the establishment of a Mortgage Corporation in New Zealand (p. 114), designed to take over in effect the business of moneylending carried on by Departments of State. And Mr. Christie regards as the most important Act of the session one bearing the difficult name "Rural Mortgagors' Final Adjustment," which modifies the law of bankruptcy in its application to farmer mortgagors (p. 115). Its provisions appear to resemble those of the Federal law of the U.S.A. (Public 486) described on p. 195. One hoped-for result, we are told, is that "voluntary settlements as between farmer mortgagors and their creditors will be encouraged."

Land Laws.—Restriction and control characterize also some of the land legislation in our period. Attention is drawn to the Zanzibar decree prohibiting the alienation of land by an Arab or African to any person other than an Arab or African (p. 170). In Palestine the Landlords and Tenants (Rent Restriction) Ordinance follows the lines of British legislation. Queensland has sought to encourage settlers partly by the creation of a new form of grazing lease (p. 82).

Marriage and Divorce.—The Angola Boers, *i.e.* Boers who trekked to Angola after the Peace of Vereeniging, preferring Portuguese to British rule, have now for the most part returned. Their marriages in Angola were not in accordance with local law, and steps have now been taken by the Union to legalize them and register them (p. 124). A Marriage Amendment Ordinance in Hong Kong has adopted the provisions of the British Act of 1929 as to the minimum age of marriage. In Victoria an Act reserved for the royal assent extends the grounds on which divorce is allowed which, indeed, were already considerably more extensive than those to which the English couples are restricted. The same Act makes considerable changes in the law as to alimony and (*inter alia*) enables the court to order a wife to secure alimony payable to her husband (p. 89). The Muslim Marriage and Divorce Registration Amending Ordinance of Ceylon amends the machinery of application of the Muslim law and in certain respects appears to amend the law itself !

---

[1] Damages for shortening of life would presumably not be recoverable in an action based upon a sort of fiction that the deceased had not died at all.

Succession.—In the related sphere of Succession an Act of the Union of South Africa modified the Roman Dutch law by giving a share to the surviving spouse in the estate of a wife or husband who died intestate (p. 120)

In New Brunswick it is now provided that realty shall like personalta be dealt with by the executor or administrator (p. 54). Nova Scotiy (p. 56) has now repealed the peculiar provision of the local Wills Act, which hedged round bequests by a wife to her husband with cumbersome formalities intended for her protection against the dominance of the male. In these days the married woman, as we know, needs no protection. New Zealand has adopted the new section—substituted for s. 10 of the Act of 1914 by the British Nationality Act, 1933—and adds the interesting provision that a woman who has lost her British nationality by marriage with an alien shall yet be entitled while she *remains* in New Zealand to all the rights, powers and privileges of a *natural born* British subject (p. 113).

BRITISH EMPIRE.

I. BRITISH ISLES.

1. UNITED KINGDOM.

[*Contributed by* Cecil T. Carr, Esq., LL.D., *Editor of Statutes Revised, Statutory Rules and Orders*, etc.]

In the session 24 & 25 Geo. V (from November 21, 1933, to November 16, 1934) 59 Public General Acts were passed. Reform of legal procedure and efforts to stimulate employment are two prominent motives. In several directions legislative avenues have first been usefully explored by Royal Commissions and expert Departmental Committees.

Each Act, of course, has a short title. In one case (the Unemployment Act) different parts of a single statute may be separately cited as Acts in themselves. Technically convenient in instances like the Economy (Miscellaneous Provisions) Act of 1926, this device can puzzle the layman.

Not quite half the Acts of the session entrust powers of law-making to departments and other bodies. A further reference to this delegated legislation will be made, as usual, in the last paragraph of this summary.

A one-page Land Settlement (Scotland) Act, making a fresh grant for small-holdings, inconspicuously defied the lightning of the Parliament Act. Sent up to the House of Lords as a certified Money Bill, it was *per incuriam* not passed within the statutory month. Fortunately the draftsman of the Parliament Act had left open a way for the House of Commons to condone this inadvertent challenge.[1]

Improvement of the Statute Book.—A fine consolidation of county court enactments is the outstanding improvement of statutory form effected during the session. Any attempt to rewrite old laws is likely to reveal anachronisms and uncertainties. To remedy these and to seize the chance to make desired changes, an amending Act was run ahead of the consolidating statute and was eventually repealed and re-enacted in the final stage of consolidation. S. 34 of the amending Act repeals some enactments which " have by lapse of time or otherwise become obsolete or unnecessary." This welcome course, taken while the statutory position is clear in the minds of those concerned, has avoided leaving odds and ends to be swept up in a formal repeal by Statute Law Revision Bill at some perhaps distant date.

A group of moribund Lottery Acts, dating from the Napoleonic era and originally passed for the now forgotten purpose of fortifying the monopoly of State lotteries, is happily removed from the statute book by a new Betting and Lotteries Act. A few words in a Gas Undertakings Act (c. 28) empower the Board of Trade, when making a " special order " under s. 10 of the Gas Regulation Act, 1920, to consolidate enactments (other than Public General Acts) relating to a particular gas undertaking. As our penultimate paragraph will show, the process of consolidation has been usefully extended to the Local and Private Acts.

---

[1] See 1 & 2 Geo. V, c. 13, s. 1 (1) and House of Commons Debates, 1934, July 5, pp. 2202–3.

Imperial and Constitutional.—The unanimous report of the Royal Commission on Newfoundland (Cmd. 4480) has already been analysed in our *Journal* by Prof. Berriedale Keith.[1] Its recommendations receive effect at Westminster in the Newfoundland Act, 1933 (c. 2). The preamble recites that the Legislature of the Island has presented an address to the Crown, asking for the suspension of the Letters Patent of 1876 and 1905 and for the issue of new Letters Patent to provide for the administration of the Island until such time as it may become self-supporting again. The address invites the Parliament at Westminster to legislate on the lines of the Royal Commission's report. The new Act is the answer. It enables the Secretary of State to advance money to Newfoundland for its administration and the service of its public debt. The Treasury may guarantee issues of stock by the Island on approved conditions and may make temporary loans to the extent that borrowing is authorized by a Loan Act already passed by the Island and now set out in a schedule. Reference to the Statute of Westminster (whereof Newfoundland had not adopted the adoptive provisions) is avoided. Newfoundland gets the benefit of the Colonial Development Act, 1929, by a brief amendment which omits therefrom the words "for the colonies."

The Colonial Stock Act, 1900, prescribed the conditions which a Dominion or colonial government must observe if it wanted its loans to have trustee status in the United Kingdom. One condition required the oversea government to declare formally that any colonial legislation which appeared to the Imperial government to impair the stockholder's security, or to involve a departure from the original contract in regard to the stock, would properly be disallowed. The Conference on the Operation of Dominion Legislation, in the deliberations which preceded the Statute of Westminster, pointed out that this exceptional power of disallowance must remain where stock of trustee status was outstanding. A new Colonial Stock Act (c. 47) now declares that the old condition shall be deemed to have been observed if either (i) the old requirement is complied with, or (ii) the Dominion government passes an Act confirming an undertaking that it will not legislate to the detriment of the stockholder without first securing agreement with H.M. government in the United Kingdom. If attention is drawn to any such prejudicial legislation, the Dominion government undertakes to "take the necessary steps to ensure such amendment as may be requested by H.M. government in the United Kingdom." The new Act was understood to have special reference to South Africa, but it is framed in general form applicable to any Dominion.

The Dindings Agreement (Approval) Act (c. 55) hands back to H.H. the Sultan of Perak a territory which formerly belonged to his country. Ceded to the East India Company in 1826, in the interests of suppression of piracy, the Dindings have latterly been administered as part of the Settlement of Penang.

Defence Forces.—A few drafting amendments are made in the Army Act and Air Force Act by the Army and Air Force (Annual) Act (c. 11). Apart from these there is provision for the relations between the military forces and the new Indian Air Force. And both for army and air force the discipline of persons on board ships is adjusted to simplify the authority of the O.C. Troops in a troopship sailing, say, from Southampton to Malaya when a court martial has to be held on details embarking at some intermediate port like Colombo. The new law against incitement to disaffection will be mentioned later.

---

[1] Third Series, vol. xvi, pt. 1, February 1934, p. 25.

The Air Force Reserve (Pilots and Observers) Act (c. 5) enables the reservist officer to be given the same course of training as the regular officer-pilot. The period of annual training is not to exceed twenty-four days for a man serving as a qualified pilot or qualified observer, or six months for a man who is undergoing instruction in order to qualify as pilot or observer. Following previous precedents the Act extends the power to make Orders in Council applying to the air force reserve (with the necessary modifications) enactments relating to the army reserve. The resultant Order in Council needs to be studied.

Law Reform.—Economy and expedition in litigation have been hampered in England by the multiplicity of appeals. A party might be taken from the High Court to the Court of Appeal and the House of Lords, and from the county court (in a case involving £20 or more) to all three of these tribunals. Reform, as advocated by the unanimous report of Lord Hanworth's committee (Cmd. 4471, Part II), is made by the Administration of Justice (Appeals) Act (c. 40). There is to be no more appeal from the Court of Appeal to the House of Lords except with the leave of that court or the House of Lords, leave being obtained as in applications from oversea courts to the Privy Council. From the county courts appeal will be directly to the Court of Appeal, as it already was in workmen's compensation cases, without any filtering through the Divisional Court. The latter change was enacted to come into force at such date as the Lord Chancellor should by order appoint. The Act was passed in July and he retrospectively appointed the previous 1st day of January.

Apart from procedure a striking change is made in the English common law by the Law Reform (Miscellaneous Provisions) Act (c. 41), following the unanimous advice of another committee (Cmd. 4540). The peculiar English maxim *actio personalis moritur cum persona* has lately been dissected in our *Journal* by skilled hands.[1] " Made tolerable only by a series of exceptions," it is now ended. Hitherto, where an injury to another's person or property could give rise to a claim for unliquidated damages, the right of action died with the person to whom, or by whom, the wrong was done. With the law courts congested with litigation over traffic accidents, there was a conspicuous grievance if the death of a negligent motorist extinguished the liability of himself and his insurance company or if the death of the victims robbed their families of redress. Henceforth on a person's death " all causes of action subsisting against or vested in him shall survive against, or, as the case may be, for the benefit of, his estate." There are certain restrictions. The new rule will not apply to seduction or defamation ; it will not enable a son to sue for libel on his dead father. Damages recovered for the benefit of a dead man's estate are not to include " exemplary damages " and are otherwise limited ; and no proceedings are to be maintainable in tort against a dead man's estate unless either they were already pending at his death or the cause of action arose within six months before it and the proceedings are begun within six months of his personal representative taking out representation. The

---

[1] *Journ. Comp. Leg.*, Third Series, vol. xviii, pt. i. p. 40.

Act makes two other changes: the Fatal Accidents Acts are extended so that "child" covers illegitimate or adopted children; and another common law maxim is upset in that it is now possible for any court of record, in giving judgment for any sum by way of debt or damages, to award interest "at such rate as it thinks fit on the whole or any part of the debt or damages for the whole or any part of the period between the date when the cause of action arose and the date of the judgment," with certain minor exceptions.

Before rewriting the enactments about county courts, the opportunity is taken to amend the old 1888 Act, the last consolidating statute in this field. The amending Act (c. 17) clarifies and expands the jurisdiction. There was a doubt, for instance, as to the power of a deputy judge, if appointed for a day, to continue the hearing of any case he was obliged to adjourn. One form of procedure for recovering land is substituted for the existing two. The archaic phrase "personal actions" is replaced by "actions founded on contract or on tort." The pecuniary limit on the registrar's jurisdiction to try actions by consent is raised from £5 to £10. The judge's power to refer cases for inquiry and report is enlarged. There are amendments as to trial by jury, payment by instalments, transfer of proceedings from the High Court and solicitors' remuneration. Among other obsolete and inconvenient survivals, the requirement that a roll of solicitors be kept in a county court is abolished.[1]

Arbitration.—It is not only in the law courts that procedure is improved. Lord Askwith's Arbitration Act (c. 14), partly based on the report of a strong committee presided over by Mr. Justice MacKinnon in 1927, amends the principal Act of 1889 in a manner approved alike by the trading community and the legal profession. An arbitration agreement will not in future be discharged by the death of a party. The contingency of bankruptcy as well as death is provided for. Where the arbitration agreement contemplates reference to three arbitrators, one appointed by each party and the third appointed by the other two, the third will now be treated as an umpire; if the agreement merely contemplates three arbitrators, the award of any two will be binding. If the reference is to two arbitrators, they will at once, on their own appointment, appoint an umpire. At any time after the appointment of an umpire the court may order him to act as sole arbitrator. The court may, on the application of any party to a reference, remove an arbitrator or umpire who "fails to use all reasonable dispatch"; if removed, he will get no remuneration. Arbitrators and umpires are empowered, like courts, to order specific performance of a contract, other than a contract relating to land. Courts may improve the procedure at an arbitration by making orders for security of costs, discovery of documents, interrogatories, evidence on affidavit, examination of witnesses on oath before an officer of the court or any other person or outside the jurisdiction, the preservation, interim custody or sale of goods in dispute, the giving of security for the amount in dispute, the detention, preservation and inspection of the property or thing concerned, and for this purpose the entry into lands or buildings, the taking of samples, making of observations or conduct of experiments. The Act makes void all conditions in arbitration agreements binding the parties to pay their own costs; the arbitrator will now have a discretion. On the other hand he will no longer be able to hold up his award by demanding an exorbitant fee; the court can now order arbitrator or umpire to deliver his award on payment into court of the fees demanded, such fees to be taxed by the taxing officer and the arbitrator or umpire to receive what is " found reasonable on taxation." The court can also give relief where an arbitrator " is not or may not be impartial " ; application by a party here is not to be refused on the ground that he knew or ought to have known that the arbitrator, " by reason of his relation towards any other party to the agreement or of his connexion with the subject referred, might not be capable of impartiality." If the dispute involves a question of fraud, the court may intervene to enable that question to be decided by the court. The Statutes of Limitation are to apply to arbitrations as they apply to proceedings in the courts. Thus in various ways arbitration will gain in finality, expedition and the avoidance of excessive expense.

---

[1] See, on this point, *In re a Debtor* (*No.* 29 *of* 1931), (1933) 50 T.L.R. 38.

New Crimes.—The much-discussed Incitement to Disaffection Act (c. 56) begins as follows :

> If any person maliciously or advisedly endeavours to seduce any member of His Majesty's forces from his duty or allegiance to His Majesty, he shall be guilty of an offence under this Act.

There were, of course, already statutes to like effect—the Incitement to Mutiny Act of 1797, for instance, which defined the offence as a felony. The new Act is not so much aimed at the misguided youth who may thrust a leaflet through the barrack railings (though in his case there is now a simpler method of procedure by summary conviction) as at the elusive folk who bring these subversive documents into existence and organize their distribution. Accordingly under the new Act anybody aiding or abetting, counselling or procuring the commission of such an offence, if he " has in his possession or under his control any document of such a nature that the dissemination of copies thereof among members of H.M. forces would constitute such an offence," is also " guilty of an offence under this Act."

After strenuous discussion in the House of Commons the grant of a search warrant in this connexion was carefully guarded. It is to be granted only by a judge of the High Court, on the application of a police officer not below the rank of inspector ; the warrant must relate to an offence suspected to have been committed within three months of the information; the police must notify the occupier of the premises that the search has taken place and must give him a list of all documents or objects removed ; no woman is to be searched except by a woman. Anything seized may be retained for one month or, if proceedings are begun within the month, until the end of the proceedings ; there are special provisions for disposal of such documents, a point in which interest was aroused by the decision in *Elias* v. *Passmore*, [1934] 2 K.B. 164. No prosecution is to take place in England without the consent of the Director of Public Prosecutions. When assured of these safeguards (thanks in part to Parliamentary amendment and to the dissipation of misunderstandings), the vigilance of a liberty-loving country was satisfied and the controversy subsided.

The Firearms Act (c. 16) alters the 1920 Act which had made permanent some war-time restrictions on the possession of lethal weapons. The age at which a young person may purchase or hire firearms is now raised from 14 to 17. Under 14 he must not possess, use or carry any firearm or ammunition. These two provisions are complicated by the introduction of a different definition for " firearm " in each, the general effect is that a boy from 14 to 17 may have a gun if his parents like to let him, but he cannot buy one for himself.

A humanitarian object smooths the way for a private member's Bill. Sir R. Gower's Protection of Animals Bill was successfully passed (c. 21) to prevent the expected repetition of a *rodeo* performance such as was said to have given opportunity for cruelty at the Wembley Exhibition in 1924. The Act forbids any public performance including (*a*) the lassoing of an unbroken horse or untrained bull, (*b*) wrestling, fighting or struggling with an untrained bull, or (*c*) riding a horse or bull which is made to buck by the use of any appliance or treatment involving cruelty. There is a saving for cinematograph performances. The Protection of Animals (Cruelty to Dogs) (Scotland) Act (c. 25) enables dog-owners who are convicted of cruelty to a dog to be disqualified for holding a dog licence. A similar Act was passed for England in the previous session.

If offences against the licensing laws are crimes, reference may here be made to the Licensing (Permitted Hours) Act (c. 26). A statute of 1921 restricted the " permitted hours " for sale of intoxicating liquors on week-days to eight hours ending at 10 p.m., but it authorized magistrates to allow an extra half-hour so that local closing-time might be at 10.30. Some benches granted the extra half-hour during summer-time. In *R.* v. *Sussex Licensing Justices, ex parte Bubb*, 50 T.L.R. 410, the High Court and Court of Appeal held there was no power to grant such extension for part of the year only. The new Act gives the magistrates this power, which some had thought they possessed ; but the part of the year must be eight consecutive weeks or more.

Anti-Gambling Laws.—The publicity of sweepstakes legal in Dublin and illegal in the United Kingdom, the new facilities of on-the-course betting on greyhound racing, the development of the totalizator and the confused state of laws against gambling which were too weak for the moral standards of many, too strong for the tolerant sympathies of folk who like a flutter and too uncertain in their enforcement—these conditions created prickly issues which the Home Office handled bravely in the Betting and Lotteries Act (c. 58). Based on the recommendations of a Royal Commission (Cmd. 4341) the statute devotes one part to lotteries and prize competitions and another to track betting. " Subject to the provisions of this Part of this Act," says s. 21, " all lotteries are unlawful." This admirably brief statement enables the repeal of eight of the old Lotteries Acts. It is now an offence, in connexion with a lottery conducted or contemplated either in Great Britain or elsewhere, to print tickets, sell, distribute or advertise tickets or chances, publish or possess for publication lists of prize-winners or winning tickets, introduce into Great Britain lottery tickets or advertisements for sale or distribution, or send out of the country either money received for the sale of tickets or documents identifying the ticket-holders. As a concession to human nature small lotteries of the type of the bazaar raffle are exempted if conducted at sales of work, fêtes or other entertainments where the entertainment is not for private gain, the prizes are not money prizes, the tickets are sold and the results declared on the premises only, and the gamble is not the sole, or the sole substantial, inducement to persons to be present. Then there is another carefully drawn exemption for private lotteries of the type of the club sweepstake, subject to reasonable restrictions. The old exception in favour of Art Unions under the Act of 1846 is retained with fresh safeguards. Finally there is a freshly stated prohibition on prize competitions conducted by newspapers, or in connexion with trade or business or the sale of articles to the public, where prizes are offered " for forecasts of the result either of a future event, or of a past event the result of which is not yet ascertained or not yet generally known " or where success does not " depend to a substantial degree upon the exercise of skill." Justices may grant search warrants for entering premises and seizing and removing documents and " money," including cheques, bank-notes, postal orders and money orders.

The other Part of the Act, dealing with betting, defines a " track " as premises on which races of any description, athletic sports or other sporting events take place. It limits to 104 the number of days in the year (from July 1 to June 30) on which betting facilities, through bookmakers or the totalizator, may be provided and it rules out Good Friday, Christmas Day and Sunday. Except in the case of horse racecourses approved by the Racecourse Betting Control Board (under the Act of 1928) and courses used not more than eight days in the year, the occupier of a track must have a licence from the local authority. Objection to the grant of the licence may be made by the police, the adjoining local authorities, owners and occupiers of premises in the neighbourhood and the governing body of any school or institution affected. Licences may be refused on various grounds, *e.g.* if the existence and use of the track is likely to injure the health or comfort of residents in the district or the interests of educational or other institutions, or to impair amenities, create congestion of traffic or interfere with the preservation of law and order. Totalizators may be set up on licensed dog-racing tracks. To prevent the occupiers of tracks from exploiting betting, the charges to the bookmaker are limited, and the occupiers are not to have any interest in bookmaking there. Betting with persons under 18, either through bookmakers or the totalizator, is forbidden, nor are persons under 18 to be employed in this business. Such, in outline, are the new provisions for controlling track betting. As in the provisions against lotteries the national characteristics of compromise and realism are visible. An offence by a body corporate under either Part of the statute may be visited upon a director or officer unless he proves he knew nothing about it.

Finance.—There is evidence of better times. If the Indian Pay Temporary Abatements Act (c. 8) continues the authority to cut salaries in spite of subsisting statutory rights, various public servants in the United Kingdom are comforted by the Statutory Salaries (Restoration) Act (c. 24). The latter empowers the revocation by Order in Council of the National Economy (Statutory Salaries) Order made in the financial crisis of October 1931: a repealing statute would otherwise have been needed. Pending revocation, half the cuts are restored as from the end of June 1934. Several enactments to stimulate home production will presently be noticed.

The formal financial legislation of the session includes a Public Works Loans Act, an Appropriation Act and a Consolidated Fund (No. 1) Act. The annual Finance Act (c. 32) embodies the variations of customs duties projected in the Budget speech. The Snowden land value tax, planned in 1931 but never used, is repealed. Among other clauses one tightens up the measures against smuggling in Northern Ireland, another enables excise licences to be paid for by cheque. The Isle of Man (Customs) Act (c. 46) conforms in outline, as usual, to the United Kingdom legislation.

Under the Palestine Loan Act (c. 33) the Treasury may guarantee a two-million loan raised by the Palestine Government for resettling displaced Arabs, providing water supply and drainage at Jerusalem and Haifa, agricultural credits and other public expenditure.

The uncertainties of international finance and trading led to the Debts Clearing Offices and Import Restrictions Act (c. 31). A White Paper (Cmd. 4620) on the German Transfer Moratorium explains the prospect of German default on the Dawes and Young loans. The Act enables the Treasury to set up a Clearing Office, with a view to the canalized collection of foreign debts. Deemed necessary to meet the case of Germany, the weapon is so fashioned as to be available against other foreign countries. The other half of the Act, not specifically intended against Germany, gives the Board of Trade power to restrict foreign imports by way of reprisal for discriminatory and detrimental treatment of British goods. The orders made under either part of the Act must receive approval by resolution of both Houses of Parliament within twenty-eight days.

The period for guarantees of export transactions under the Overseas Trade Acts is extended (c. 12). The original limit of £26,000,000 in the 1920 Act has not yet been reached.

Trustee savings banks play their part in the financial structure of the country. They have an ordinary department which accepts deposits up to £500 a year at a fixed rate of interest at 2½ per cent., the Government guaranteeing both capital and interest. They sometimes have also a special investment department which can take deposits up to £1,000 (provided that the depositor has £50 in the ordinary department) but without Government guarantee. A new Trustee Savings Bank (Special Investments) Act (c. 37) enlarges the list of securities in which special investment may be invested. It also enables trustee savings bank trustees to put their special investment money into another trustee savings bank, subject to a power for the National Debt Commissioners to direct withdrawal.

Trade and Industry.—The doctrine of *laissez-faire* is still out of favour, the Government intervening readily to make work at home. The subsidy on home-produced sugar (under the temporary Act of 1925) is prolonged and extended to molasses (c. 39); the Minister of Agriculture and Fisheries is declared to be the paying department for Scotland as well as for England. Under the North Atlantic Shipping Act (c. 10) the Treasury can make advances for the construction of the *Queen Mary* by a company which merges the Cunard and White Star Lines. Agreed rates of wages in specified areas of the north of England can obtain statutory effect under the Cotton Manufacturing Industry (Temporary Provisions) Act (c. 30). The British Hydrocarbon Oils Production Act (c. 4) gives a "preference" of not less than 4*d.* per gallon on "home-produced light oils" manufactured from indigenous coal, shale or peat. If there is no excise duty on such oils, the "preference" means the amount of the customs duty; if an excise duty is imposed, it means the difference between the excise and the customs duty. The petrol tax already gave home-produced motor-spirit a preference, but, as that tax is annually voted, some longer period of preference was desirable if capital was to be persuaded to embark on expenditure for extracting oil from coal. There is an obligation to give the Board of Trade all required information as to quantities of oils and as to types and qualities of material. The Act will *prima facie* expire on March 31, 1944; but there is a ingenious device for adjusting time-limit to results. After the end of September 1935, and after each subsequent half-year, the Treasury is to compute in pence to three places of decimals the average rate of the preference in the past half-year; if the average is over 4*d.* per gallon, the duration of the Act will be reduced by Treasury order by forty-six days for each penny of the excess, with a proportionate reduction for fractions of a penny. The Act, however, will continue till the Treasury certifies that the preference has been equivalent to 4*d.* per gallon for nine years; upon such certificate the Act will expire.

The Dyestuffs (Import Regulation) Act (c. 6) makes the temporary 1920 Act permanent, with some variations of the list of prohibited imports and with fresh arrangements for the Advisory Committee and for representation of consumers. The principal Act of 1920 was less than two pages long; the 1934 amendments take the form of fool-proof substitutions. The need of a reprinting clause (for rewriting the principal statute as amended) was perhaps, in these circumstances, not urgent. Such a clause was inserted; it was of the permissive type and it authorized the consequential renumbering of sections and subsections. This was the more awkward because the new Act substituted fresh subss. (6)–(9) in place of subs. (6) of s. 3 of the original Act. That section already possessed seven subsections. Thus a future allusion to subs. (7) of s. 3 offers a dilemma; an allusion to subs. (10)—should the old subs. (7) be thus renumbered under the permissive clause—may also offer a puzzle to the uninitiated.

Welfare of Workers.—In addition to the Welfare Fund legislation for miners (to be mentioned later) the Shops Act (c. 42) improves the lot of workers. It restricts the normal maximum working hours of young persons "employed about the business of a shop" to forty-eight hours per week with provision for overtime on occasions of seasonal or exceptional pressure. The Secretary of State can regulate employment in spells if the young shop-worker's hours are so divided that "reasonable opportunities for instruction and recreation" are impossible. There are restrictions on night employment, and special provisions for retail trade, the catering trade, and work in garages and theatres. Employers must keep records of the hours of work and the intervals for rest and meals. The remainder of the Act deals with shop-workers generally; it requires decent standards of ventilation and temperature, facilities for washing and taking meals, and sanitary accommodation. There are transitional limitations on some of these requirements for a two-year period.

The Unemployed.—A series of annual Acts has borne witness to the insolvency of the State scheme of unemployment insurance. Replacing the scheme of contractual insurance on a sound financial basis, and maintaining the principle that persons outside that scheme shall be helped according to their need, the Unemployment Act, 1934 (c. 29), is a landmark of the session. Part I (christened by s. 34(3) "The Unemployment Insurance Act, 1934") amends the Unemployment Insurance Acts; this Part was later repealed and incorporated in the consolidating Unemployment Insurance Act of 1935. Part II (christened by s. 57(2) "The Unemployment Assistance Act, 1934") deals with need arising out of unemployment and not covered by Part I; it is for workpeople who are outside the insurance scheme or are, for any other reason, not entitled to draw unemployment benefit; it also provides supplementary assistance for those who are drawing such benefit.

Broadly summarized, Part I makes the terms of insurance more generous. It doubles the maximum duration of benefit for persons with good records of contribution. It fills the gap between the school-leaving age and the beginning of the insurance age. It creates facilities for keeping or making the unemployed industrially fit; attendance at "authorized courses" is made a fifth statutory condition of receiving benefit. Into one of the existing disqualifications, arising where a man without good cause refuses or fails to apply for a post notified to him as vacant, the words are added "or if it is proved . . . that the complainant has neglected to avail himself of a reasonable opportunity of suitable employment." A Statutory Committee is established to advise and assist the Minister of Labour. It will report to him upon the solvency of the Unemployment Fund and will make suggestions about the disposal of any surplus. It will examine the possible extension of unemployment insurance to persons employed in agriculture. It is to advise upon any necessary amendments of the statute law. It will also express its opinion on all regulations to be made by the Minister; they will be submitted to the Committee in draft; there will thus be a new check upon the delegated legislation on this subject, and ministerial responsibility will be shared and perhaps *pro tanto* weakened.

Part II of the new Act was hailed as a new chapter in national social service. In the case of almost all persons between 16 and 65 who normally follow wage-earning employment and who are "capable of and available for work," the State is henceforth responsible for relieving need outside the system of insurance. Relief of distress under the Poor Law Act, nowadays called "public assistance," will continue for the very young, the sick and the aged; but the poor-law relief, locally financed and locally administered and still perhaps stamped with social stigma, is no longer to contend with the fluctuations of trade and industry when they submerge the able-bodied worker. The burden upon the distressed areas is lightened. An attempt is made to "take out of politics" the kind of controversy which the means test excited. While the Minister of Labour remains responsible for unemployment insurance under Part I, Part II sets up the Unemployment Assistance Board, a non-political body appointed by His Majesty by warrant under the Sign Manual. One member must be a woman, and local knowledge is to be made available by recourse to advisory committees for such areas as the Board thinks fit. The Board is to frame rules governing the grant of allowances to persons out of work and in need. Need is to be determined in accordance with regulations which are to take into account the resources of all members of the applicant's household. The extent to which sick pay from a friendly society, wounds pensions, workmen's compensation weekly payments, cash and investments and interest in a dwelling-house are to be regarded or disregarded is specified in the Act. Applications for allowances and issues thereon are to be decided by officers of the Board, subject to appeal to newly constituted appeal tribunals. An Unemployment Assistance Fund is created: local authorities will contribute to it according to a statutory formula, and it is fed by public money to an amount settled by the Minister after consulting the Board and with the consent of the Treasury.

The creation of a non-political body to deal with a possibly controversial topic is an experiment which recalls the institution of the Poor Law Commissioners a century ago and the Insurance Commissioners in 1911. Neither of those Commissions endured; a Minister now answers in Parliament for the activities for which both were formerly responsible. The Unemployment Assistance Board duly produced its regulations but Parliamentary criticism asserted itself; the "second appointed day," important to Part II of the Unemployment Act, 1934, has not yet arrived, and meanwhile the transitional provisions continue, with a "standstill" for persons who might have been worse off for the change.[1]

Relief of the Poor.—The Unemployment Act modified some of the old Poor Law enactments. The Poor Law (Scotland) Act (c. 52) opportunely alters others. It makes permanent the temporary legislation of 1921 whereby it became legal for the first time in Scotland to give poor relief to able-bodied persons who were unemployed. The able-bodied poor may obtain courses of instruction and training, to fit them for regular work, like the unemployed under the Unemployment Act. Another reform concerns the law of the poor person's "settlement," *i.e.* the place where he was last legally settled—an important matter in the past because no district wanted to pay for paupers who were not its own poor. Henceforth a local authority will relieve every poor person within its area and will recover the expenses, where his "settlement" is not in its area, from the authority of the area of the "settlement." But since the scales of local authorities are not exactly uniform, the relieving authority will not recover more than the "settlement" authority would itself have paid him. The Act protects the rights of poor persons by allowing them to appeal to the sheriff where relief is refused (a right which the disabled poor already enjoyed), and to the central Department for Health in Scotland where the relief is considered inadequate. Local authorities may require an able-bodied poor person to perform work suited to his or her "age, sex, strength and aptitude" as a condition of outdoor relief. They are, if required by the central Department, to provide suitable and separate accommodation for different classes of indoor poor. This will tend to break up the older type of general or mixed poorhouse and to ensure separate arrangements for the sick, the children, the aged and the infirm. By a change comparable with what happened in England in the eighteen-thirties, the work in poorhouses will be governed by regulations made by the central Department rather than by the rules of the several local authorities. Statutory confirmation is given to the well-established practice of boarding-out in private houses children under 16 who are orphans or have been deserted by their parents. There are other technical provisions, including (in s. 14) the cure of an oversight in the adaptation to Scotland of the Children and Young Persons Act, 1932. It has been a principle of Scottish poor-law administration that, when granting out-door relief, a local authority should take into account all the applicant's resources available for his support. It is now enacted that it shall disregard the first 5*s.* of the recipient's sick pay from a friendly society or trade union, the first 7*s.* 6*d.* of national health insurance benefit, all health insurance maternity benefit (excluding any increase by way of additional benefit and excluding any second maternity benefit) and the first £1 of any wounds or disability pension. These rules for regarding or disregarding sick pay, maternity benefit and wounds pensions, etc., are applied also to England and Wales by a short Poor Law Act (c. 59). The corresponding rules for assessing allowances by way of unemployment assistance have already been mentioned.

---

[1] See House of Commons Debates, February 5, 1935, pp. 961-7; and *see* 25 & 26 Geo. V, cc. 6 and 22, and 26 Geo. V and 1 Edw. VIII, c. 7.

Agriculture.—Subsidies are provided as a temporary remedy for agricultural depression. The Milk Act (c. 51) is intended to do three things for the milk industry : to check the slump in prices by " putting a bottom into the market," to clean up the herds by eliminating tuberculosis, and to help sales by a scheme of publicity. The price of liquid milk was said to be depressed by the low price received for milk used for manufacturing milk products (cream, butter, cheese, milk powder or condensed milk). The Act fixes a standard price per gallon for " manufacturing milk "—5*d*. in the summer months and 6*d*. in the winter—and a " cheese-milk price." In certain circumstances the Minister of Agriculture will pay from public funds the difference between the cheese-milk price (or the net cost per gallon of the milk to the purchaser, whichever is the greater) and the standard price. If a milk manufacturing board has been using milk for manufacturing milk products, the Minister will pay the board the difference per gallon between the cheese-milk price or the manufacturing milk price (whichever is the greater) and the standard price. The Exchequer will similarly pay the difference where a registered producer's milk is converted into cheese at farms, provided that he keeps such number of milch cows as is not less than the number specified by order of the Minister. These and further arrangements for keeping up the farmer's prices are for a two-year period. The second object of the Act—improvement of quality in order to stimulate sales—involves a grant of £750,000 spread over four years " with the object of securing so far as practicable that the milk supplied for human consumption in England or in Scotland . . . is pure and free from any infection of any disease." The Act is here mainly concerned in authorizing the expenditure of public money ; the details of the scheme are conveniently relegated to departmental supervision. There is a restatement of the Minister's powers of prescribing special designations of milk ; it will be an offence to sell or advertise milk under a description calculated falsely to suggest either that the cows are tuberculosis-free or that the milk is tested, approved or graded by a competent person ; and here the burden of proof is placed on the defendant. The third object of the Act, publicity, is to be promoted by a grant of a million pounds for two years. This was meant to cover free milk or cheap milk for school-children, but the phraseology is wide and once again one must look elsewhere for the practical details.

Schemes made under the Agricultural Marketing Acts contain much that is omitted from the statute-book. A new Agricultural Marketing (No. 2) Act (c. 1) was hurriedly passed to deal with the unexpected success—or, as its critics said, the break-down—of the Pig Scheme. The Act enables a marketing board to compensate producers for losses due to the operation of a scheme. One marketing board is enabled to make a grant or loan, or guarantee a loan, to another. The Minister may temporarily authorize marketing boards to give guarantees and may modify existing schemes in this respect. Arrangements are also made for marketing in Great Britain the produce of Northern Ireland under a corresponding scheme.

The price for fat cattle having fallen heavily, the Cattle Industry (Emergency Provisions) Act (c. 54) offers a further subsidy. It sets up a Cattle Fund into which three million pounds are to be paid. Payments out of the fund are to be made to producers at rates not exceeding 5*s*. per cwt. on live weight and 9*s*. 4*d*. on dead weight. The various classes of live cattle or carcases will have to comply with standards prescribed in regulations. To protect this policy of subsidizing home producers, the appropriate Ministers may by order provide for the marking of imported cattle ; disobedience of the order, or fraud in altering or defacing the marks, is to be punishable with a fine up to £20 or imprisonment up to three months or both. The appropriate Ministers are to appoint a Cattle Committee to advise them in the exercise of their functions under the Act and to prepare arrangements for the payment of the subsidy. Details such as the examination, weighing and certification of the cattle or carcases, and the establishment of approved centres for this purpose, are thus left to be worked out apart from the statute.

Fisheries.—To meet the grievances of inshore fishermen in Scottish waters the Illegal Trawling (Scotland) Act (c. 18) increases the penalties against persistent offenders. On a third offence the punishment can be a fine of £200 with six months' imprisonment ; the skipper of a vessel used for illegal trawling, if more than once convicted within the last five years, may be fined £500 on a third or subsequent conviction. The Act provides for forfeiture of nets and gear and raises the fine for obstruction of a sea fishery officer from £50 to £200. Trawling boards and nets must be carried inboard in any area where beam trawling and other trawling are prohibited.

The Whaling Industry (Regulation) Act (c. 49) enables Britain to ratify a Geneva Convention, concluded in September 1931, to prevent the wasteful destruction of whales, particularly in the Antarctic. Regulation is to be enforced by a system of licences for whaling-ships and whale-oil factories. It is an offence to engage in whaling without a licence and the licence may be withdrawn for non-compliance with the prescribed conditions. Inspectors (either persons appointed by the Board of Trade or officers of H.M. Navy) may enter ships or factories and require the production of documents. Fees for licences are expected to cover the cost of administering the Act. The Convention is not scheduled to the statute. S. 2 (prohibiting the catching or treating of whales within the coastal waters of the United Kingdom) and part of s. 6 (enabling conditions against the taking of whales in certain seasons to be inserted in licences) are outside the Convention. There is a saving for the taking and treating of whales, under special permit, for scientific research or other exceptional purposes. The Act can be extended by Order in Council to the Isle of Man, Channel Islands, Newfoundland or any colony, or to any foreign country where His Majesty has jurisdiction. S. 15 formally recognizes the powers of Australia, New Zealand and India to legislate for the whaling industry with extra-territorial operation as respects their own shipping.

Mining, etc.—S. 20 of the Mining Industry Act of 1920 created a Miners' Welfare Fund out of an annual levy of 1*d.* per ton of coal output for five years. The period was renewed in 1925 and 1931. A new Mining Industry (Welfare Fund) Act (c. 9) reduces the levy from 1*d.* to ½*d.* but extends the period for twenty years from 1932. The purposes of the "royalties welfare levy" are declared to include "such accommodation and facilities for workers in or about coal mines as the Miners' Welfare Committee think can be conveniently and properly combined with accommodation and facilities for taking baths and drying clothes." A sum of £20,000 is earmarked for research into methods of improving health and safety. The Act gives effect to recommendations made by Lord Chelmsford's Committee which was set up in 1931.

The Workmen's Compensation (Coal Mines) Act (c. 23) seeks to secure that workmen who are being paid compensation for accidents should not suffer loss through the bankruptcy and closing of collieries. The owner of a coal mine is not to employ men unless there are either adequate insurance arrangements (through an insurance company or underwriter or mutual indemnity association) or a compensation trust fund.

A third statute, the Mines (Working Facilities) Act (c. 27) extends to metalliferous minerals (iron, tin, lead, zinc, copper and tungsten ore, fluorspar, barytes and oil shale) Part II of the Mining Industry Act of 1926, whereby the Railway and Canal Commission, on application referred by the Board of Trade, can grant facilities for seeking and working coal freed from existing restrictions or conditions or upon substituted terms and conditions. This extension was recommended by the Advisory Committee of the Mines Department in 1932.

War-time legislation for petroleum production is repealed and replaced by a new Act (c. 36) which declares that "the property in petroleum existing in its natural condition in strata in Great Britain is hereby vested in His Majesty, and His Majesty shall have the exclusive right of searching and boring for and getting such petroleum." The Board of Trade may grant licences to search for and get "petroleum," which the Act defines in technical terms ; licensees can obtain ancillary rights of entering on land, sinking boreholes and laying pipes. The Board may also license persons to supply natural gas to premises and is authorized to inspect plans of mine workings.

Water Supply.—Social convenience and the stimulation of employment are combined in various measures to improve local water supplies endangered by a dry summer followed by a dry winter. The Rural Water Supplies Act (c. 7) allows the Minister of Health to contribute a million pounds towards the expenses of local authorities in England in this respect; a proportionate sum is available for Scotland. Another Act (c. 15) empowers statutory undertakers in England to give and take supplies of water in bulk, so that abundance in one district may relieve scarcity in another. The statute makes general a provision which some of the larger undertakings had already secured by Local Act.

Under the Water Supplies (Exceptional Shortage Orders) Act (c. 20) the English and Scottish departments can make orders, when a serious deficiency exists, for various purposes: to allow undertakers to take water from any specified source on specified conditions, to suspend or modify inconvenient restrictions or requirements in matters like filtration or other treatment, to permit undertakers to supply one another in bulk inside or outside their prescribed limits, and to prohibit the taking of water from sources which affect available supplies. There are safeguards for compensation and for recourse to the High Court where orders may in a proper case be quashed.

Gas Undertaking.—Gas companies, facing the competition of electricity, have complained of statutory handicaps upon their industry. The Gasworks Clauses Acts of 1847 and 1871, incorporated when Parliamentary authority is given, were said to need modernization, especially in view of the new system of charge by thermal value instead of by volume of gas consumed. Recommendations of the Gas Legislation Committee, appointed by the Board of Trade in 1931, had in part received effect in a Gas Undertakings Act of 1932: further recommendations (Cmd. 4237 and 4288) take shape in an Act of 1934 (c. 28), which usefully gives universal application to several clauses already conceded to particular companies by private Act. There are more liberal arrangements for capital and renewal funds and special contracts; the limitation on discounts is repealed.

Small-scale companies which still sell gas by volume instead of by thermal unit are brought under stricter control and may be required to supply at a minimum pressure. Next, since calorific value for commercial purposes can now be determined with scientific precision, the Board of Trade becomes responsible for maintaining these, like other, commercial standards. The offices of Chief Gas Examiner and of Gas Referees are prospectively abolished, and the Board is to appoint a competent and impartial person to determine appeals as to calorific value. A local authority may appoint a competent and impartial person to be the gas examiner for its area. Gas undertakers are enabled to co-operate by giving one another supplies in bulk. There is a group of sections governing the occupiers of premises supplied with gas by meter. They are to give the gas company notice before quitting; if they have previously quitted premises without paying for their gas, they may be refused a supply till they pay up the arrears; if occupiers are in default, the company may disconnect the service pipe at the meter and cut off the supply. Other sections deal with entry on premises, charge for fittings, erroneous registration of meters and the use of anti-fluctuators. S. 26, enabling the appointment of officers of companies as directors, has by oversight a subsection (1) and no other subsections. S. 27, following similar enactments in Local Acts, makes void any provision in a lease whereby a local authority, anxious to market its own product of electricity, binds its tenants not to take gas from the local gas undertakers.

Transport.—The public conscience being stirred by the statistics of death and injury in casualties on the highway, a new Road Traffic Act (c. 50) introduces a speed limit of thirty miles per hour for motorists in built-up areas. There is no need to make a special survey of every single highway in order to decide which areas are built up; a common-sense definition makes the existence of a street-lighting system the test. Since there is sometimes continuous street lighting on roads where little building has taken place, a stretch of road can be, in the popular term, "de-restricted" by order of the local authority or the Minister of Transport. Conversely a stretch where there is no lighting can be declared to be in a built-up area, for the purpose of imposing a speed limit, if circumstances so require. The local authority is to erect and maintain the prescribed traffic signs to indicate restriction or de-restriction as required. Fire brigade, ambulance and police vehicles are exempted from the speed limit. The punishment of bad motorists is reconsidered. Previously they could be dealt with for the minor offence of careless driving (under s. 12 of the 1930 Act) or the more serious offence of reckless and dangerous driving (under s. 11 of that Act) or, if their criminal negligence killed the victim, for manslaughter. Juries having been lenient when the charge was manslaughter or nothing, it is now enacted that on an indictment for manslaughter the accused may be found guilty of reckless or dangerous driving—an alternative likely to reduce the number of acquittals. On a charge of reckless or dangerous driving the magistrates may now convict of the lesser offence of careless driving; and the maximum imprisonment for the latter offence is raised from six months to two years. The endorsement of licences and disqualification of drivers for exceeding the speed limit and for careless driving are modified. No fresh driving licences will be issued unless the driver passes the prescribed test of competence: this requirement will apply to the drivers of heavy goods vehicles as well as to ordinary motorists. Persons sentenced for driving offences may be disqualified until they pass such a test. There are new provisions about hours for drivers; the sale of vehicles in imperfect condition is prohibited; the power to make regulations as to motoring appliances for signalling a car's approach is extended so as to enable hooting to be forbidden at particular hours or in particular places.

The system of compulsory insurance against third-party risks, created by the 1930 Act, had been found imperfect. Insurance companies, being commercial rather than philanthropic bodies, took advantage of their legal right to repudiate liability for some technical mis-statement in a proposal form, some failure to maintain the vehicle in perfect condition, or some use of the vehicle outside the four corners of the policy—for instance where a motor-cyclist met with accident while carrying a pillion passenger and not possessing a policy which covered pillion riding. The new Act does much to remove such restrictions upon the scope of motorists' third-party policies. Anyone against whom a claim is made must now give particulars of his insurance policy. It was the inconvenient practice of the police to deny to a prospective plaintiff the information possessed by them as to the identity of motor vehicles concerned in traffic accidents; this is now abolished. Where emergency treatment is given to traffic victims by doctors or hospitals, minimum fees will in future be recoverable. This remedies a grievance of the practitioner through whose surgery doors, if near an important highway, there passed a fugitive procession of injured patients, strangers to the neighbourhood, needing urgent treatment at all hours yet unidentifiable or inaccessible when fees were to be collected.

If motorists feel that they are harassed by the Act, their supposed victims, the pedestrian and the cyclist, are not forgotten. For foot-passengers there may now be special crossing-places under schemes framed by the local authorities and approved by the Minister. Thus the wayfaring men upon the highway will not always be allowed to err therein. The pedal cyclist may in future be compelled by regulations to exhibit a white strip as well as a red reflector at the back of his machine. Regulations may also prescribe the number, nature and use of his brakes. He must not carry anyone else on his bicycle unless it is constructed or adapted for that purpose.

There is no legislation for railways, but a short Act (c. 22) alters the designation of the Assessor of Railways and Canals in Scotland, an officer created by the Lands Valuation (Scotland) Act of 1854. In recognition of his now much wider duties he is renamed the Assessor of Public Undertakings (Scotland); the power of appointment is transferred from the Crown to the Secretary of State, and service in the office is assimilated to civil service conditions.

Professional Regulation.—A brief Solicitors Act (c. 45) prohibits bodies corporate from purporting to act as solicitors; a loophole had been left in the big Act of 1932 according to the awkward decision in *Law Society* v. *United Service Bureau Ltd.*, (1933) 50 T.L.R. 77. Even briefer, though its three sections might well have been two, the Architects (Registration) Act (c. 38) amends the principal Act of 1931, which had not made adequate provision for initial expenditure.

Miscellaneous.—Among other miscellaneous enactments the National Maritime Museum Act (c. 43) arranges for concentrating a collection of nautical pictures, prints, models and other relics in buildings at Greenwich vacated on the transfer of the Royal Naval School to Suffolk; several acres are added to Greenwich Park. The Act vests the contents and management of the museum in trustees who may exchange or dispose of duplicate objects, lend exhibits to other museums and galleries and so on.

In *Ward* v. *Dorman Long & Co. Ltd.*, [1933] 2 K.B. 658, the Court of Appeal held that a child, adopted under the Adoption of Children Act, 1926, was not a member of the workman's family (as defined by the Workmen's Compensation Act) for the purpose of receiving compensation when the adopting father was injured. Parliament had made provision for Scotland in 1930, whereby, for purposes of workmen's compensation, an adopted child was to be deemed the child of the adopting spouses and not the child of any other person. The Adoption of Children (Workmen's Compensation) Act, 1934 (c. 34), now makes like provision for England and enables a certificate of entry in the Adopted Children Register to be received as evidence in any part of Great Britain. The Registration of Births, Deaths and Marriages (Scotland) (Amendment) Act (c. 19) is mainly concerned to avoid the history of illegitimacy being revealed on the birth certificates of children legitimated *per subsequens matrimonium*. It abolishes the Register of Corrected Registries and, lest an extract of the re-registration should disclose the significant dates of the child's birth and its parents' marriage, it is enacted that abbreviated certificates may be issued which will state merely the name and sex and the date and place of birth.

A Marriage (Extension of Hours) Act (c. 13) extends the permitted hours for solemnization of marriages. They were 8 a.m. to noon till 1886 when they were lengthened to 3 p.m.; they are now further lengthened to 6 p.m.

Church Assembly Measures.—Another change in the marriage laws, which are overripe for rewriting in clear and orderly form, is made by the Banns of Marriage Measure. It enables laymen to publish banns where a Clerk in Holy Orders is not available. Shortage of clergy has led to services being taken by laymen with permission from the bishop. Laymen have been reading banns and signing the register of banns; any doubt about the legality of the practice is now removed.

The Clerical Disabilities Act, 1870 (Amendment) Measure (a short title which might well be shorter) allows a clergyman who has relinquished Holy Orders to resume the position of an officiating minister. He must first submit to the archbishop a statement of the circumstances and reasons. If the archbishop sees fit after inquiry and consultation with the bishop, the enrolment of the earlier deed of relinquishment will be cancelled, but the clergyman for two years will be incapable of holding a benefice or even a licensed curacy although with the bishop's permission he may officiate as minister meanwhile.

The Cathedrals (Amendment) Measure removes technical difficulties encountered by the Cathedral Commissioners who were established under a Measure of 1931 to frame schemes and revise statutes in connexion with cathedral churches, property and revenues.

Local and Private Acts.—The Local Acts of the Session number 98; there were no Private Acts. This local legislation gives a composite picture of progress in public health and municipal administration as well as of activity in transport and the supply of water, gas and electricity.

New clauses are constantly being tested in a single town or county; if they work well, they are adopted elsewhere and perhaps some day they are applied to the country as a whole. Here are some fresh features. Manchester gets powers to control the sale of food on open sites, Cardiff to prohibit the removal of food where a sample has shown the prospect of food poisoning. Middlesex may acquire land for works of flood prevention. At Torquay by-laws may deal with speed-boats and motor-boats, to prevent annoyance, excessive noise and danger to sea-bathers. At Manchester again the corporation may close streets for use as children's playgrounds. In Middlesex premises where a boxing entertainment is held must be licensed; by-laws may secure cleanliness in the establishments of hairdressers and barbers. Swing-arms are not to project across the road from petrol-filling stations at Cardiff. Stone-throwing at the engines or carriages on the railways of the London Passenger Transport Board is to be an offence punishable by fine, and boys under 14 may be ordered the birch for it. In Glasgow loud-speakers are to be under control. Coke sale frauds, cycling on footpaths, interference with valve-cocks of water companies, making public speeches on the promenade—these are other crimes which are visited with special punishment in particular places.

The process of consolidation is usefully applied to the enactments relating to the Edinburgh Corporation, the Tyne Improvement Commissioners, the Maidstone Waterworks and the superannuation of the staff of the Middlesex County Council. The process must be still more vigorously applied if the jungle of early unrepealed and often inaccessible Local Acts is ever to be cleared.

Delegated Legislation.—For the calendar year 1934 the Statutory Rules and Orders registered under the Rules Publication Act, 1893, amount to 1,480, the biggest total since 1926. The annual official text of those in force at the end of the year requires two volumes for the first time since 1920. The number of pages, however, need not justify the inference of increased departmental law-making; a single document occupies nearly 250 pages. This is the Act of Sederunt containing the new rules for the Court of Session and superseding many procedural provisions to be found in old statutes. The volumes contain as usual the supplementary details of legislation about education, housing, local government, health and unemployment insurance, merchant shipping and mining, road traffic and vehicles. The Treasury's orders as to import duties, nearly 150 pages long, include several which vary the Free List in the Import Duties Act of 1932; other instances of import regulation are the Board of Trade's orders about bacon and potatoes under the Agricultural Marketing Act. Factory and Workshop Act regulations require special precautions in docks and in places where cellulose solutions are manufactured, used or stored. The Home Office announces a new form of industrial disease under the Workmen's Compensation Act, namely dioxan poisoning: this disease thus becomes an "accident" for which the employer must compensate the workman. A Sea-Fishing Industry (Immature Sea-Fish) Order prescribes the minimum measurements of whiting and other fish. Fishmongers and dairymen in England must respectively take note of the Public Health (Shell-fish) Regulations and the Milk (Special Designations) Order; for Scotland there is a new code to protect milk from infection and contamination, to prohibit the addition of colouring and thickening matter and to specify requirements of labelling and conveyance. Shopkeepers must bear in mind fresh regulations for England and Scotland under the new Shops Act. Here are the Unemployment Assistance (Determination of Need and Assessment of Needs) Regulations which were duly approved by resolutions of both Houses of Parliament yet ended in a standstill.[1]

These annual volumes must be consulted for " appointed day " orders (which press the button to bring into force statutes enacted with postponed operation) and for the orders which indicate the application between the United Kingdom and other countries of various Conventions respecting carriage by air, for instance, industrial property or the safety and load line arrangements for merchant shipping. The working of the Foreign Jurisdiction Act can be studied in the long Order in Council for Ethiopia. Lastly among some interesting prerogative orders in the Appendix are the letters patent dealing with official languages in Malta and the changed régime in Newfoundland.

2. JERSEY.

[*Contributed by* C. W. Duret Aubin, Esq., *H.M. Solicitor-General for Jersey.*]

During 1934 eleven Acts of the States received the sanction of H.M. in Council and became law, and an Order in Council made under s. 3 of the Channel Islands (Church Legislation) Measure, 1931,[2] was registered in Jersey and placed upon the Statute Book.

Of those twelve Measures the following seven are, perhaps, of more than purely local interest.

Livestock.—By L-16 an amendment was made to the law dealing with the importation and slaughter of cattle,[3] which provided, *inter alia*, for the slaughter of all animals by means of a humane killer. The amendment in question provides for the slaughter by the Jewish method, and by a Jew licensed by the appropriate Jewish authority, of animals the meat of which is intended to be consumed by Jews.

Church Lands.—By L-19, a law authorizing the alienation of the building, land and appurtenances which were once the old church of St. Andrew, the vicar and wardens of the church of the ecclesiastical district of St. Andrew are empowered to sell the site and building of the old church of St. Andrew, and to apply the proceeds of the sale towards the cost of building a new church of St. Andrew on another site. No restriction whatsoever was required to be imposed upon the purchaser in relation to the purposes for which the site and building (which had been desecrated prior to the promotion of this legislation) were to be sold, and they have, in point of fact, been converted into a potato and tomato store.

Workmen's Dwellings.—By L-21 a scheme directed at attacking the housing problems from one angle was brought into being. This Act enables advances up to £600 to be made by the States to workers whose earnings do not exceed £5 per week, for the purpose of buying a site and building a dwelling-house thereon. The loan is repayable—as to both capital and interest—by weekly payments, over a period of twenty years, of 2*s.* 7*d.* per £100 borrowed. In arriving at this figure interest has been calculated at 3 per cent., the rate at which the States borrowed the funds to finance these measure. The scheme has been a great success, and up to the present time advances up to £180,000 have been authorized.

---

[1] See p. 11 above.

[2] Cf. *Journ. Comp. Leg.*, Third Series, vol. xv, pt. ii, p. 16.

[3] Cf. *ibid.*, vol. xvii, pt. ii, p. 21.

Airport.—By L-26 provision is made for the establishment of an airport to be paid for out of public funds and to be operated, under the control of the Committee of the States, as a State airport. Wide powers of expropriation for the purposes of land acquisition were taken, but had only to be used in the case of two landlords. In addition to the zone, land within which is liable to expropriation, a further zone, over which large powers of control in respect of buildings, trees and other dangers to air navigation are taken, is created.

Maritime Transport.—By L-30 all ports in the Island are closed except the port of St. Helier. This Measure was adopted to facilitate the examination of ships arriving in the Island, with special reference to the grave menace of the introduction into the Island of the Colorado beetle which is established in many places in the immediate vicinity of the French ports in direct communication with Jersey.

Clergy Pensions.—By L-31, Order in Council dated July 25, 1934, made in pursuance of the Channel Islands (Church Legislation) Measure, 1931, *supra*, the Clergy Pensions Measures, 1926 to 1928, and the Clergy Pensions (Older Incumbents) Measure, 1930, are, as adapted and modified, applied to Jersey in accordance with the terms of the Measure.

Public Health.—By L-34 the States took powers, *inter alia*, to control building in the Island, and generally to deal with any property whose condition was a menace to public health.

3. NORTHERN IRELAND.

[*Contributed by* SIR ARTHUR S. QUEKETT, K.C., LL.D.]

The first session of the fourth Parliament of Northern Ireland was opened on December 18, 1933, and prorogued on November 14, 1934. Twenty-two public general Acts and three local Acts were passed. The second session of the same Parliament began on November 20, 1934, and three public general Acts were passed before the end of that year.

Milk, Milk Products and Dairy Cattle.—The Milk and Milk Products Act (c. 16) lays down a general requirement that milk shall be sold only according to some one or other of four specified grades of quality—Grade "A," Grade "B," Grade "C" or Grade "D." Grade "A" milk must have been produced from cows which have passed a double intradermal tuberculin test, and must be milk of which the bacteriological count and the absence of *Bacillus coli* comply with a prescribed standard. Grades "B" and "C" imply that the milk so designated is up to definite standards, both in respect of the health of the cows from which it is produced and the milk itself. Grade "D" does not imply any test, but milk so designated cannot be sold or offered or exposed for sale for the purpose of human consumption. Sales of milk by a farmer to his servants are exempt from the foregoing restrictions. The Act requires that producers and distributors of milk of Grades "A," "B" and "C" shall be licensed by the Ministry of Agriculture.

The Act, by implication, takes milk out of the category of agricultural products which may be regulated by an agricultural marketing scheme under the Act of 1933, because it sets up a Joint Milk Council for the fixing of prices for milk of Grades "A," "B" and "C" and the terms on which such milk may be sold. The Act establishes a Milk Fund out of which an equalization payment and a bonus may be paid for the assistance of the milk industry. This fund is to be maintained by the licence fees paid under the Act, and at its inception by the "milk industry assistance grant" made from the Exchequer of the United Kingdom under s. 6 of the Milk Act, 1934 (24 & 25 Geo. V, c. 51), in respect of milk used in manufacturing cream or butter at registered premises.

The Milk and Milk Products Act also enables the Ministry of Agriculture to prescribe the requirements to be observed in cases where milk intended for sale is transported from one place to another by persons other than the holders of producers' or distributors' licences, and it makes provision for the licensing of sellers of butter and margarine.

The Diseases of Animals (Dairy Cattle) Act (c. 2 of sess. 2) is intended to give effect to another item of the modern milk policy—"the cleaning up of the herds." It transfers to the Ministry of Agriculture and the veterinary inspectors of that Ministry the administration of the Diseases of Animals Acts, in so far as those Acts relate to the slaughter of tuberculous cattle and the payment of compensation for such slaughter, and it enables regulations to be made under the Milk and Milk Products Act for the inspection by those inspectors of cattle kept for the production of milk. The Act supersedes the administration of local authorities and their veterinary officers in certain respects, and for that reason it includes a provision enabling local authorities to pay compensation to their part-time veterinary officers for loss of employment. The expenses of cattle inspection and compensation for slaughter fall upon the General Cattle Diseases Fund for Northern Ireland, for the benefit of which a rate is levied by each county council. The Act enables the expenses of inspecting cattle kept for the production of milk to be also charged upon this Fund, but does not increase the statutory limit upon the amount of the local rate.

Agricultural Marketing.—Agricultural co-operation under State control was initiated in Northern Ireland by an Act of the year 1933.[1] That Act enabled schemes to be made whereby the production and marketing of products of agriculture and horticulture should be regulated by Marketing Boards. No time was lost in applying schemes to the production of pigs and bacon, and the operation of the schemes revealed some practical difficulties to which the Legislature gave attention in the Agricultural Marketing Act of 1934 (c. 6). The amending Act makes it possible for an agricultural marketing scheme to empower the Marketing Board to pay compensation to registered producers of the regulated product in respect of losses sustained by those producers by the operation of any marketing scheme, whether administered by their Marketing Board or not. Schemes may also provide for empowering the Marketing Board to make loans and grants to any other Marketing Board, and to guarantee loans raised by another Marketing Board. A Board can also accept grants for any of the purposes for which the Board may expend money, and the scheme may make provision for agreements as to the application of moneys obtained by a Marketing Board by means of a loan or grant. The Act gives a temporary power to the Ministry of Agriculture, by order, to authorize Marketing Boards to take steps similar to those which can, under the provisions previously mentioned, be authorized by marketing schemes. Marketing Boards can, under the Act, allow, in respect of some past period, a discount below the standard price to persons who have purchased the regulated agricultural product. Another provision of the Act is complementary to s. 6 of the Agricultural Marketing (No. 2) Act, 1933, passed by the United Kingdom Parliament. Under that enactment Marketing Boards in Great Britain are empowered to purchase a regulated agricultural product from a Board in Northern Ireland which is administering a scheme for the marketing of the same agricultural product. The Northern Ireland Act empowers Northern Ireland Boards to co-operate with Boards in Great Britain for that purpose.

---

[1] See 23 & 24 Geo. V, c. 22, summarized in *Journ. Comp. Leg.*, Third Series, vol. xvii, pt. ii, p. 22.

During the year 1934 the working of the pigs and bacon marketing schemes disclosed further difficulties, which led to the passing of the Agricultural Marketing (Pig Industry) Act (c. 3 of sess. 2). The Ministry of Agriculture is now empowered to regulate the production of bacon by bacon-curers licensed under an Act of 1930 (20 & 21 Geo. V, c. 23) and may, on the advice of the Council hereafter mentioned, restrict the granting of new licences for bacon-curing premises. The Act constitutes a Pig Industry Council, having power to determine from time to time (subject to the approval of the Ministry) the prices at which, and the terms on which, pigs, or any description of pigs, belonging to any prescribed grade may be sold by producers ; this provision supersedes the corresponding provisions of the pigs and bacon marketing schemes. The Act increases the fee for a bacon-curer's licence ; it strengthens some of the provisions of the Agricultural Marketing Act of 1933 in their application to the pigs marketing scheme ; and it deals with the effect which determinations of the Pig Industry Council may have upon contracts. The Pig Industry Council consists of the following persons : three members appointed by the Minister of Agriculture, one of whom is to be the chairman of the Council ; three members representing licensed bacon-curers ; three members representing pig producers. So long as a bacon marketing scheme is in force the curers' representatives are to be appointed by the Bacon Marketing Board, but if no such scheme is in force they are to be elected by the curers. A similar arrangement applies to the representatives of the pig producers.

The marketing of potatoes in Northern Ireland is controlled by a separate Act, and not by any marketing scheme made under the general enactments of 1933 and 1934. The Marketing of Potatoes Act (c. 14) empowers the Ministry of Agriculture to make rules requiring that potatoes sold in the home markets shall be of such standard of quality, and shall be graded and packed in such manner, as the Ministry may prescribe ; the rules may also prescribe a mark for indicating the quality of the potatoes. The supervision of potatoes intended for the markets of Great Britain, the Irish Free State and the Isle of Man had already been provided for by an Act of 1928 (18 & 19 Geo. V, c. 17).

Fisheries.—The Fisheries Act (c. 21) is a comprehensive measure. Part I deals with the election and membership of boards of conservators of fisheries. The term of office of a board is to be five years. Boards of conservators are to consist of members elected by representative fishermen, ex-officio members and, in certain cases, members nominated by the Ministry of Commerce. The number of elected and nominated members fixed for each of the fishery districts is set out in a schedule, but the Ministry takes power, after holding a public inquiry, to alter the number of these members by an order requiring the prior approval of both Houses of Parliament. The qualifications for ex-officio membership are restated in the Act and some earlier enactments repealed. Another schedule lays down rules for the conduct of the elections.

Part II of the Act prohibits the sale of salmon, sea-trout, trout and fish of the salmon or trout kind between September 16 and January 31 next following, but contains a saving in respect of certain canned or preserved fish, and in respect of fish caught beyond the limits of Great Britain and Ireland. The sale of immature salmon, trout, etc., is prohibited.

Part III fixes increased licence duties in respect of certain nets and engines, and empowers the Ministry of Commerce, after consultation with the boards of conservators and after holding a public inquiry, to vary within the maximum the amount of any of the licence duties payable under the Fisheries code.

Part IV contains amendments of the previous Fisheries Acts. It gives power to the Ministry of Commerce to authorize the owner of a fixed net, in respect of which a certificate has been granted under the Salmon Fishery (Ireland) Act, 1863, to remove the net from the position specified in the certificate and to erect it at some other place approved by the Ministry. The requirements of the 1863 Act, in so far as they relate to the provision of a "free gap" in every fishing weir, are, in the case of a fishing weir in which there is no free gap, to be deemed to be complied with if, immediately adjoining such weir, there is a "navigation gap" which conforms in form and dimensions to the statutory requirements.

In Part V there is a provision conferring upon the Ministry of Commerce power to make by-laws for the purpose of securing cleanliness in the handling and packing of fish, and by-laws providing for the inspection of premises. Where a conservator is convicted of an offence under the Fisheries code, the court by which he is convicted can declare that person to be disqualified for being a member of a board of conservators. A court can deprive a convicted person of his fishery licence for one year; and a person disqualified for holding a fishery licence cannot, during the period of disqualification, vote at an election of members of a board of conservators.

Destructive Insects and Pests.—A short Act of this session (c. 4) amends the Destructive Insects and Pests Acts, 1877 and 1907, by extending the powers of the Ministry of Agriculture under those Acts so as to include a power to order the destruction of crops infected with a destructive insect. The same Act authorizes the payment of compensation by the Ministry for crops destroyed, and alters the basis upon which compensation payable by local authorities under the previous Acts is to be calculated.

Protection of Dogs.—In the Senate a private member introduced a measure to provide for the further protection of dogs by enabling courts to disqualify persons convicted of cruelty to dogs from keeping such animals. The Bill was accepted by both Houses and became law under the title of the Dogs Protection Act (c. 2).

Road Vehicles and Traffic.—The Motor Vehicles and Road Traffic Act (c. 15) represents an attempt on the part of the Government to deal with some of the many problems arising as a result of the increased traffic on the roads, particularly with the problem of ensuring safety to all users of the roads. The Act is divided into seven parts. Part I deals with amendments of law as to the use of vehicles on public highways. The penalties for dangerous driving and drunkenness in charge of a motor-car are increased, and power is given to the court to impose imprisonment on a first conviction for either of these offences (ss. 1 and 2). The minimum period of suspension of licence is in certain cases raised from three months to six months, and a person whose licence has been suspended or who has been disqualified for obtaining a licence is debarred from applying to the court for the removal of the suspension or disqualification until after the expiration of twelve months from the date of the conviction which resulted in the suspension or disqualification (s. 3). Careless driving of a motor car or horse-drawn vehicle and careless riding of a pedal cycle are made offences under the Act (s. 5). Pedestrians are brought within the scope of the Road Traffic Acts for the first time by s. 8, which makes it an offence for a pedestrian on a public highway through negligence to endanger his own safety or the safety of any other road user ; this provision was inserted in the Bill by the Senate in opposition to the views of the Government, but subsequently accepted in the Commons. More stringent provisions are laid down as to the reporting of accidents (s. 10), and power is given to authorized police officers or constables in uniform to stop and examine motor-cars for the purpose of ascertaining if they comply with the regulations prescribed for the use and construction of motor-cars (s. 11). A court to which application is made for the suspension of a licence on the ground of the physical unfitness of the licence holder may order him to be examined by a medical practitioner approved by the court (s. 12). In practice it was often found exceedingly difficult for an injured party to prove that the person driving a motor-car at the time of an accident was the servant or agent of the owner of the car, and accordingly the Act provides (s. 13) that, in civil cases for damages arising out of a motor accident, if it is shown that the person driving the car when the accident occurred was not the owner, that person is to be deemed, until the contrary is proved, to have been acting as servant or agent of the owner at the time of the accident.

Part II makes amendments in the law relating to third party insurance, all of which tend to increase the protection given to injured third parties by the earlier Acts. It provides (s. 15) that a policy, in order to comply with the statutory requirements, must cover not only the person specified therein, but also the personal representatives of those persons, and that it must not be made subject to any condition, restriction or limitation which the Ministry of Home Affairs prescribes as one which shall not be included in such a policy. The common law rule *actio personalis moritur cum persona* often operated harshly against an injured third party. If the tortfeasor (*i.e.* the owner or driver of a motor-car) died before action brought or after action and before judgment, the plaintiff's right of action was gone, and the action, if commenced, could not be continued against the personal representative. That rule has been abolished (s. 17) so far as it applied to actions for damages arising out of motor accidents. Such actions may now be taken, or, if already taken, continued against the personal representative of the tortfeasor, but proceedings against the personal representative are not maintainable unless commenced within six months from the date on which he took out representation. A further right is given to an injured third party (s. 18) ; if he has obtained judgment against a negligent owner or driver and has failed to recover the whole or any part of the amount awarded to him, he may apply to the court in which judgment was obtained for an order against the insurers to pay the amount outstanding.

Part IV deals with the lighting of road vehicles. With a view to obtaining uniformity, various enactments dealing with the lighting of road vehicles are repealed and, subject to the conditions laid down in the Act, every vehicle must during the hours of darkness carry two white lights showing to the front and one red light showing to the rear. Special provision is made for horse-drawn vehicles, bicycles, tricycles and invalid carriages. This Part is based largely on the Road Transport Lighting Act, 1927, passed by the Parliament at Westminster.

Part V makes some miscellaneous amendments in the Road Traffic Acts. Part VI deals with offences and procedure, and it contains a provision that where a person is convicted before a court of summary jurisdiction of any of the more serious motoring offences set out in the Second Schedule to the Act, the Probation of Offenders Act, 1907, is not to apply to that person.

As in previous years, an Act (c. 11) was passed in order to regulate the admission of motor vehicles to the area of the International Tourist Trophy Motor Race which was held in the autumn.

Railway Law.—A Railways Act (c. 5) enlarges the powers and modifies the statutory obligations of railway companies in Northern Ireland. It empowers a railway company to sell or dispose of land vested in the company, provided that at the time of the sale the land is not being used for the purposes of the company's undertaking, and irrespective of the question whether such land has been previously so used or not; the purchase money arising from such sales must be applied to capital. A railway company may operate signals and points by means of electrical energy, and authorized undertakers are empowered to supply electrical energy for this purpose for use either within or without their area of supply.

The Act allows the gates at level crossings to be kept closed across the railway instead of across the road. It also removes the restriction of four miles an hour on the speed of trains over level crossings adjoining a railway station. The previous law relating to the duty of a railway company to report accidents is amended by relaxing the obligation to report certain accidents of a minor character.

Unemployment Insurance and Assistance.—The Unemployment Act (c. 12) represents a further instalment of the policy of keeping in step with Great Britain as regards social services.

Part I of the Act provides as follows: (*a*) That the cuts in rates of unemployment benefit introduced under the Economy Act of 1931 should be restored as from July 1 of the year under review; (*b*) That the period during which benefit may be drawn in a benefit year is to be increased in such a manner as to enable insured persons with good records to draw more benefit than was possible under the law previously in force; (*c*) That the insurance age is to be lowered to the school-leaving age.

A distinct Part of the Act provides for the establishment of a new non-contributory Unemployment Assistance Fund, to be available for the support of all able-bodied unemployed persons ordinarily obtaining their livelihood from employment in industry, whether they are within or outside the scope of the Unemployment Insurance scheme. The Fund is to be administered by an Unemployment Assistance Board and to be supplied by moneys derived mainly from the Exchequer, and as to the balance, from local rates levied by each county and county borough.

The parallel Westminster Act set up a statutory committee, upon whose recommendation changes of the law as to unemployment insurance may be made by orders of the Minister of Labour, approved by each House of Parliament. The Northern Ireland Act does not set up any such statutory committee, but empowers the Governor to make Orders in Council for the purpose of applying to Northern Ireland changes of law which may be made, as regards Great Britain, on the recommendation of the statutory committee.

The Northern Ireland Act contained also a provision (now spent) empowering the Governor in Council to apply to Northern Ireland any amendments which might be made in the parallel Westminster Bill after the date at which it was feasible for amendments to be made in the Northern Ireland Bill. Any such Order in Council was to be of temporary effect, pending confirmation, within twelve months, by resolutions of both Houses of the Parliament of Northern Ireland; such confirmation was subsequently given.

By a separate Act (c. 8) the county and county borough councils are given power to borrow money for a five-year period, in order to meet expenditure belonging to a class of expenditure which, after the date fixed for the coming into operation of the enactments of Part II of the Unemployment Act, would mainly be defrayed in accordance with those enactments.

Status of Adopted Children in Workmen's Compensation Matters.—It is provided by c. 19 that any question arising under the Workmen's Compensation Act, 1927, as to whether a person is the father, mother, son, daughter, brother, sister, etc., of a workman shall be determined as if any adopted child: (*a*) if adopted by two spouses jointly, or by one of two, were the legitimate child of those spouses; (*b*) if adopted by a person having no spouse, were the legitimate child of that person and of a spouse who died immediately after the adoption; and in either case were not the child of any other person. "Adopted child" means a person who has been adopted in pursuance of an adoption order made under the Northern Ireland Act of 1929, or the Act of 1926 applying in England, or the Act of 1930 applying in Scotland. A copy or extract of an entry in an "Adopted Children Register" kept under any of those statutes is to be receivable as evidence for the purposes of proceedings in which any question arises as above-mentioned.

Local Government.—The constitution and procedure of local authorities in Northern Ireland are to a great extent regulated by the Local Government (Ireland) Act of 1898, and the Local Government Act of the year under review (c. 22) effects amendments and extensions of a varied character.

Parts I and II of the Act make changes of the law, having regard to various minor points which have emerged during the working of the Act of 1898 in Northern Ireland. Part I is confined to boroughs, urban districts and towns, and Part II contains provisions applicable to county and district councils in general, poor law guardians and town commissioners. S. 1 changes the date of the ordinary urban elections from the month of January to the month of May. In Part II the following provisions deserve special mention: s. 13 which abolishes the fine payable on registration of corporate office; s. 16 which substitutes £100 for £50 as the value or amount which renders it necessary for a contract to be sealed with the common seal of the local authority; s. 17 which embodies provisions found in various local Acts as regards proportionate liability for rates, and the rating of the owner instead of the occupier in respect of properties valued at £8 or under.

Part II contains also an important provision (s. 22) enacting a procedure which county councils and sanitary authorities must adopt in cases where they wish to acquire land compulsorily. The local authority is enabled to acquire the land by means of a " vesting order " made by the Ministry of Home Affairs upon application by the local authority, after due notice to interested parties, the consideration of objections, and (if the Ministry thinks it necessary) the holding of a local inquiry. The " vesting order " has the effect of passing and vesting in the local authority an estate in fee simple in the land to which it relates, discharged from all claims, estates, encumbrances or charges whatsoever. The rights and claims of all persons in respect of the land or any interest therein are, as from the date of vesting, transferred and attached, to the extent to which compensation may be found to be payable, to the rate or fund out of which the expenses of the local authority are defrayed, and those rights and claims are to be discharged by payments out of that rate or fund. The vesting order procedure supersedes the older procedure by way of provisional order to be confirmed by a Bill in Parliament. The Act of 1934, however, provides, by a clause in a form now familiar, that if any person aggrieved by a vesting order desires to question its validity, he may, within six weeks after the publication of the notice of the making of the vesting order, make application for the purpose to the High Court, and that the High Court may suspend the operation of the vesting order, and, if satisfied upon the hearing of the application that the vesting order is *ultra vires*, or that the interests of the applicant have been substantially prejudiced by non-compliance with the statutory preliminaries, may quash the vesting order either generally or in so far as it affects any property of the applicant. The vesting order procedure was first enacted by the Roads Improvement Act of 1928.[1] It was then made applicable only to the acquisition of property for road or street purposes, and the local authority might choose whether they would adopt it or the older procedure of the Lands Clauses Acts. The experience gained since 1928 appeared to justify the extension of the procedure accomplished by the 1934 enactment.

Part III extends the Public Health Acts. It contains, among other things, a useful provision requiring means of escape from fire in hotels and boarding houses ; and it transfers from the local justices to the sanitary authority the duty of licensing places used for public entertainment, a provision involving the repeal of s. 51 of the Public Health Acts Amendment Act, 1890.

Part IV consists of amendments of the Poor Relief Acts, a code which is gradually receding into the background of local administration.

Part V contains a provision enabling a local authority, by resolution, to remove a member from his office as such member " in any case where such member has habitually obstructed the business of the council, board or commissioners to such an extent as to render his removal from office necessary in order to secure the efficient conduct of that business." This Part also contains a provision for the abatement of Parliamentary grants-in-aid, in any case where a local authority fails to pay sums due to the Government, to the Exchequer, or to a public fund under Government control ; this provision is based, in principle, upon the enactment of

---

[1] 18 & 19 Geo. V, c. 10; see *Journ. Comp. Leg.*, Third Series, vol. xii, pt. ii, p. 23.

1898 which authorized deductions to be made from the Local Taxation Account in similar circumstances.

Parliamentary and Local Government Elections.—The Representation of the People Act (c. 7) contains a series of amendments in the electoral law.

A period of seven years in lieu of three years is prescribed by s. 1 as the period of residence in the United Kingdom which is required in certain cases by virtue of s. 4 of the Representation of the People Act (Northern Ireland), 1928, as a qualification for registration and voting as a parliamentary elector at an election of members of the House of Commons of Northern Ireland or as a local government elector.

A new precedent is created by s. 2 of the Act, which requires that a candidate for election to the House of Commons of Northern Ireland shall, at the time of nomination, make a declaration that he intends, if elected, to take his seat in the House after compliance with the law and the Standing Orders of the House.

S. 3 amends the Ballot Act, 1872, so as to give to a blind voter the right to vote with the assistance of a relative or friend. The right is given both in the case of elections to the Northern Ireland House of Commons and also in the case of any local government elections which are regulated by the provisions of the Ballot Act. This enactment follows the Blind Voters Act, 1933, which was passed by the United Kingdom Parliament and which applies at elections of members to be returned to the House of Commons at Westminster, including members returned from Northern Ireland constituencies.

A further section of the Act amends the procedure in connexion with the local government franchise given to representatives of companies by s. 3 of the Representation of the People Act (Northern Ireland), 1928. The amendment enables the claim for registration to be authenticated by the signature of an authorized director, manager, etc., of the company, instead of being authenticated on each occasion by the company under its seal.

Financial Measures.—By c. 3 the Ministry of Finance is authorized to pay to the Incorporated Law Society of Northern Ireland the stamp duties paid in each financial year (up to a maximum of £1,200) upon the articles of clerkship of persons seeking to be admitted as solicitors of the Supreme Court.

The Constabulary Act (c. 10) provides that, " until Parliament otherwise determines," the Belfast Corporation shall continue to make the annual payment of £25,000 which has been made by them towards the cost of the employment of the Royal Ulster Constabulary in the county borough of Belfast since the provisions of s. 2 of the Constabulary Act (Northern Ireland), 1928, came into operation. The period originally fixed for this payment was seven years, subsequently extended to a period of eight years.

A later Finance Act (c. 13) makes various changes in the duties on licences for mechanically propelled vehicles. This is done by a comprehensive schedule, reproducing the duties which have not been changed as well as those which have been changed. The same Act deals with the point raised in the case of *Payne* v. *Allcock*, [1932] 2 K.B. 413, as to the circumstances in which a car, upon which duty has been paid at a particular rate, becomes liable for duty at a higher rate by reason of the purposes for which it has been used. A much discussed provision of the Act

(s. 3) requires the council of every county and county borough to pay to the Exchequer an annual contribution raised by local rates, towards the cost to the Exchequer of educational services.

The Exchequer and Financial Provisions Act (c. 20) empowers the Ministry of Finance to issue an additional sum of £1,500,000 for the purpose of Government loans to local authorities, etc. The Act also provides that where a certificate of birth, marriage or death is required for evidential purposes in connexion with Ulster Savings Certificates a reduced fee of one shilling shall be payable.

4. IRISH FREE STATE (SAORSTÁT ÉIREANN).

[*Contributed by* A. DENIS PRINGLE, ESQ., *Barrister-at-Law.*]

Public Acts passed—47.

The Constitution, amended year by year almost out of recognition, was left untouched in 1934 in spite of the large number of Acts passed. A number of the statutes passed during the year were of purely local or temporary importance, and the following are the only ones likely to be of any general interest:

Agriculture.—The policy of the Government to encourage the growing of cereals is carried a step farther by the Agricultural Produce (Cereals) Act (No. 41), which makes provision for the sale of oats and barley by making it compulsory for dealers therein to be registered. Restrictions on the milling of wheat, on the sale of imported wheaten flour and on the manufacture of bread from wheaten flour are contained in Parts V, VI and VII of the Act, and Part IX deals with grain warehousing and grain drying by the State and empowers the Minister for Agriculture to inspect private grain stores and grain kilns, and to acquire land compulsorily for the purpose of carrying out his powers under the Act. The Agricultural Co-operative Societies (Debentures) Act (No. 39) empowers registered societies, certified by the Minister to be "agricultural co-operative societies" for the purposes of the Act, to issue debentures to certain "authorized lenders," and to borrow money on the security of their uncalled capital with the consent of the Minister.

Children.—Important amendments in the Children Act, 1908, are made by No. 15. The provisions of the earlier Act in respect of the giving of notice to the local authority by a person undertaking for reward the nursing and maintenance of infants apart from their parents, or having no parents, are amended by increasing the maximum age of infants to which the provisions apply from seven years to nine years. S. 13 prohibits the publication of advertisements on behalf of persons willing to undertake the nursing and maintenance of infants under nine years, unless the name and address of such persons are correctly stated in such advertisement.

Control of Imports.—The promotion and encouragement of home manufacture led to the passing of the Act No. 12, which empowers the Executive Council to make "quota orders" in respect of the import of any particular class of articles and to establish and maintain a register of importers of goods to which said "quota orders" apply. Registered importers can apply to the Minister for a licence to import a specified quantity of such goods during a "quota period," and the importation of goods contrary to a "quota order" is made an offence under the Customs Acts.

Control of Manufactures.—Loopholes in the Act of 1932 are filled up, and amendments and extensions of that Act made, by Act No. 38. For instance, where a business is owned by a body corporate the issued shares must be, to an extent exceeding one-half (in nominal value), in the beneficial ownership of persons born in Saorstát Éireann or the area now comprising Saorstát Éireann, or who have been resident therein for five consecutive years prior to July 2, 1934 (therein called "qualified persons"), at least two-thirds of every class of shares carrying voting rights must be in the beneficial ownership of "qualified persons," and a majority of the directors (other than a whole-time managing director) must be nationals of Saorstát Éireann. The Minister is given wide powers in regard to the obtaining of information about businesses from individuals and bodies corporate, and also in regard to the investigation of premises, and the Executive Council is empowered to declare a commodity to be a "reserved commodity," in which case such commodity can only be manufactured under licence from the Minister for Industry and Commerce.

Dangerous Drugs.—Further and better provision for regulating and controlling the importation, exportation, manufacture, sale and use of opium, morphine, cocaine and other dangerous drugs is contained in Act No. 1. The import and export of such drugs must be under permit from the Minister for Justice, and in the case of prepared opium is entirely prohibited. Wide powers of inspection are given to the Civic Guards, and to inspectors authorized in writing to act as such by the Minister, and the Civic Guards are given power to arrest without warrant a person who has committed or attempted to commit or is reasonably suspected of having committed or attempted to commit an offence under the Act, if there is reasonable ground for believing that such person will abscond unless arrested or if his name and address are unknown and cannot be ascertained (s. 32).

Finance.—The Finance Act (No. 31) reduces Income-tax from 5*s*. to 4*s*. 6*d*., but on the other hand the allowance formerly made for repairs and maintenance of property is terminated, except in the case of lands or farm buildings, mills, factories and other similar premises. The customs duty on boots and shoes and wearing apparel is increased, and that on tea reduced from 6*d*. to 2*d*. per lb. Antiques over one hundred years old are exempted from duty, and all acts or things required to be done by the Revenue Commissioners may be validly done by one only of such Commissioners (s. 35).

Fisheries.—The decision of the Supreme Court in the case of *Moore and Others* v. *The Attorney-General*,[1] in reference to the tidal waters of the River Erne, made necessary the Fisheries (Tidal Waters) Act (No. 24). The Minister for Agriculture is empowered by order to declare that the Act applies to any particular river or estuary in which, for not less than twenty years before January 1, 1933, a several fishery was believed to exist, but in respect of which, either it is judicially determined that no several fishery existed, or the person who formerly exercised the right does not claim such a several fishery. The Minister can authorize the Board of Conservators in the district to issue special local licences to fish in tidal waters to which the Act applies, and a person fishing in such waters without such licence is guilty of an offence under the Act. Where part of a river to which the Act applies is situate in Northern Ireland the Board of Conservators of such river may, with the Minister's approval, enter into agreements for the protection of salmon and trout and their eggs and fry in the part of the river which is in Northern Ireland.

---

[1] [1934] I.R. p. 44.

Harbours.—The regulation and control of the charges made by harbour authorities is dealt with in the Harbours (Regulation of Rates) Act (No. 2), under which the Minister for Industry and Commerce is empowered by order to fix the rates payable in connexion with any harbour, other than a harbour under the control of the Commissioners of Public Works in Ireland.

Horse Breeding.—Act No. 3 provides for the licensing of stallions, and makes it an offence for a person to keep a stallion which is not (*a*) under the prescribed age, (*b*) an "exempted stallion" within the meaning of the Act or (*c*) a stallion in respect of which a licence or permit has been issued by the Minister for Agriculture.

Industrial Alcohol.—Act No. 40 enables the Minister for Industry and Commerce to undertake the manufacture, distillation and sale of industrial alcohol, and for such purpose to acquire lands compulsorily, and it is made an offence for a person to manufacture industrial alcohol except under licence from the Minister.

Local Government.—Important amendments in the earlier Acts are made by the Local Government (Amendment) (No. 2) Act (No. 44), which gives the Minister for Local Government and Public Health power to make an order dividing a county into two or more county health districts, and where this is done, to alter the number of members of the county council, and the division of the county electoral areas, where necessary. Provision for the making of deductions from the remuneration payable to persons employed by local authorities is made by the Local Services (Temporary Economies) Act (No. 16).

Maternity Homes.—The compulsory registration of maternity homes with the local authority, the keeping of records in such homes and their inspection by an authorized officer are effected by the Registration of Maternity Homes Act (No. 14).

Slaughter of Cattle and Sheep.—Act No. 42 provides for the registration, inspection and examination of premises, and imposes a levy payable to the State on all cattle and sheep slaughtered therein. Part IV of the Act makes it unlawful for any person to slaughter for sale for human consumption any cattle which have not been marked by an inspector appointed by the Minister. Part V empowers the Minister to make regulations restricting the price at which cattle and sheep may be purchased for slaughter, and Part VI enables him to make orders prohibiting or restricting the export of cattle and sheep, and restrictions on the manufacture of cattle and sheep products and power for the Minister to carry on certain businesses are also contained in the Act, which also provides for the distribution of free beef to persons in receipt of unemployment assistance or outdoor relief.

Tobacco.—Act No. 37 is a comprehensive statute dealing with the regulation and control of the growing of tobacco in Saorstát Éireann, and the manufacture and sale of such tobacco, including the setting up of a Tobacco Advisory Committee, the prohibition of the growing of tobacco except under licence, and restrictions on the sale or possession of tobacco seed. The Act by Part VI also makes it unlawful to import or export tobacco except under licence from the Revenue Commissioners or the Ministry for Industry and Commerce respectively.

Town Planning.—The first attempt in Saorstát Éireann at controlling the orderly and progressive development of cities, towns and other areas is contained in the Town and Regional Planning Act (No. 22). Planning schemes may be prepared by local authorities and submitted for approval to the Minister for Local Government and Public Health, and for the purpose of carrying out such schemes land may be compulsorily acquired. Part VIII provides for the payment of compensation to persons the value of whose property is reduced, and also for payment to the local authority by persons the value of whose property is increased by the carrying out of such schemes of a sum equal to three-fourths of the amount of such increase.

Workmen's Compensation.—Probably the most important piece of legislation passed during the year was Act No. 9, by which, at long last, the law on this important subject is brought up to date, very much on the lines of similar legislation in England in 1925 and in Northern Ireland in 1927. The most important changes from the 1906 Act are as follows: (1) The classes of persons entitled to compensation are extended to bailees of vehicles and vessels, to non-manual labourers whose remuneration does not exceed £350 (instead of £250) per annum, to casuals employed for the purpose of a game, or in or about the residence of the employer, to persons employed by local authorities, notwithstanding that their appointment or dismissal is subject to the approval of a Minister of State, and to persons (other than seamen) employed on ships. (2) The classes of dependents are extended to include persons who, though not members of his family, were resident with and wholly dependent on the earnings of a deceased workman. (3) The maximum compensation payable in fatal cases is increased from £300 to £600, and the minimum compensation from £150 to £200, while in non-fatal cases the maximum weekly payment is reduced from 35*s.* a week (allowed by the War Additions Acts) to 30*s.* a week. (4) The court has power, upon the application of a doctor, to direct the employer to pay a sum, not exceeding £5, to such doctor for treatment to the workman, in addition to the compensation payable under the Act. (5) Appeals are to be taken direct to the Supreme Court instead of to the High Court. (6) Dependents cannot be parties to any kind of agreement in relation to compensation, which must, in fatal cases, be fixed by the court. (7) The Executive Council is given power to modify the Act so as to give effect to any conventions with other States providing for reciprocity of treatment in matters relating to compensation.

II. NORTH AMERICA.

1. DOMINION OF CANADA.

[*Contributed by* Frederick Read, Esq., LL.B., *Professor of Law, Manitoba Law School.*]

Acts passed—112 : Public—62 ; Local and Private—12 ; Divorce—38.

The Fifth Session of the Seventeenth Parliament began on January 25, 1934, and closed by prorogation on July 3, 1934.

Bankruptcy.—In view of the depressed state of agriculture, it has been deemed necessary to provide means whereby compromises or rearrangements may be effected of debts of farmers who are unable to pay. A statute for the purpose of facilitating compromises and arrangements between farmers and their creditors has, therefore, been passed, and appears in c. 53. The Act is to be read and construed as one with the Bankruptcy Act.

Banks and Banking.—A new Bank Act, c. 24, came into force on July 1, 1934, and takes the place of the former Bank Act, R.S.C. 1927, c. 12. The new Act regulates the affairs of the chartered banks only, but is framed upon the basis of the establishment of the Bank of Canada and recognizes the purposes for which the latter was formed and utilizes its appropriate facilities. Amongst the new provisions, the following may be noted. Restrictions are imposed as to the conditions under which the name of a bank may appear upon any prospectus or advertisement. No director is to be present at, or vote at, a meeting of the Board during the time when loans or advances to himself or any firm, company or corporation of which he is a partner or director are under consideration. This does not apply to loans to corporations controlled by the bank, the shares of which, except for qualifying shares, are owned by the bank. Provision is made allowing inquiries respecting notices of intention to give security and certificates to be made by telegram or other written communication. It is also provided that where a guarantor of certain loans made by a bank pays the amount of the loan to the bank, the guarantor will be subrogated to the powers of the bank under the security which the bank held in respect to the loan under the Bank Act. The powers of exchanging securities in the form of bills of lading, warehouse receipts, etc., for others are broadened. Subject to penalty, a bank is not, in any part of Canada excepting the Territories, to charge any rate of interest or discount exceeding 7 per cent. per annum. If the interest or discount amounts to less than $1 the bank may charge a total not exceeding $1; but if the advance is not in excess of $25 and the interest or discount thereon amounts to less than 50*c*., the maximum charge shall not exceed 50*c*. The statutory provision contained in s. 95(3) of the former Act restricting the total amount of the deposits to be received from persons under legal disability to $2,000 has not been re-enacted. The bank is required to make an annual return of all loans made by the bank within Canada outstanding at a specified date, classified according to industries and businesses; and a similar annual return must be made in respect of all deposits by the public held by the bank in Canada at a specified date, classified according to the amount of each deposit and showing those payable on demand and those on notice. The Minister of Finance and Receiver-General (instead of the Canadian Bankers Association) may now appoint and remove a curator of a bank which suspends payment in specie or Dominion or Bank of Canada notes of any of its liabilities as they accrue. The power of the Canadian Bankers Association to make by-laws imposing penalties for the breach or non-observance of any by-law, etc., made by the Association under s. 124 of the Bank Act is restricted to a sum not exceeding $1,000. The liability of a shareholder of a bank on and from the day on which the Bank of Canada is authorized to commence business, in addition to any amount not paid up on his shares, shall not exceed that proportion of the par value of the shares held by him which the amount of notes which the bank is authorized by the Bank Act to have in circulation in Canada bears to the paid-up capital of the bank. There are also some very important alterations in respect to a bank's rights to issue notes and in regard to the bank's cash reserves, consequent upon the establishment of the Bank of Canada. These should be studied in detail from the statute itself.

Bank of Canada.—Under c. 43 the Bank of Canada has been established and commenced business on March 11, 1935. From the preamble to the Act it appears that the object of the Bank is to " regulate credit and currency in the best interests of the economic life of the nation, to control and protect the external value of the national monetary unit and to mitigate by its influence fluctuations in the general level of production, trade, prices and employment, so far as may be possible within the scope of monetary action, and generally to promote the economic and financial welfare of the Dominion." The statute itself must be referred to for details, but it is believed that the following summary will be of practical value to the reader. The term " Bank " as used in this note will refer to the Bank of Canada, unless otherwise indicated.

Constitution of the Bank.—The head office is at Ottawa, but branches and agencies may be established in Canada and elsewhere. The Bank is under the management of a Board of Directors composed of a Governor, a Deputy Governor and seven Directors. There may also be an Assistant Deputy Governor who is not as such a member of the Board. In addition, the Deputy Minister of Finance or, in case of his absence or incapacity at any time, such other officer of the Department of Finance as the Minister may appoint for the time being is also a member of the Board, but has no right to vote. The Governor and Deputy Governor are to be men of proved financial experience, and each is to devote the whole of his time to the duties of his office. Each must be a British subject, but he must not (*a*) be a member of either House of Parliament or of a Provincial Legislature, (*b*) be employed in any capacity in the public service of Canada or of any Province of Canada or hold any office or position for which any salary or other remuneration is payable out of public moneys, (*c*) be a director, officer or employee of any other bank or financial institution or have an interest as a shareholder in any bank or other financial institution, (*d*) have reached the age of seventy-five years.

Management.—The Governor of the Bank is the chief executive officer and on behalf of the Board has the direction and control of the business of the Bank, with authority to act in connexion with the conduct of the Bank in all matters which are not by the Bank of Canada Act or by the by-laws of the Bank specifically reserved to be done by the Board or by the Executive Committee or by a meeting of shareholders. The Deputy Governor and the Assistant Deputy Governor perform such duties as are assigned by the Board ; and in the event of the absence or incapacity of the Governor the Deputy Governor has all the powers and functions of the Governor. In the event of absence or incapacity of both the Governor and the Deputy Governor, the Board of Directors are to authorize the Assistant Deputy Governor or one of the members of the Board to act as the Governor for the time being, but no such person will have authority to act as Governor for a period exceeding one month without the approval of the Governor in Council. The Governor, Deputy Governor and Assistant Deputy Governor (who are made eligible for reappointment on expiry of their respective terms and hold office during good behaviour) are each appointed for a term of seven years, or, in the case of the first Governor, Deputy Governor and Assistant Deputy Governor, for such shorter period as the Governor in Council may determine. Such last-mentioned officials are to be appointed and their salaries fixed by the

Governor in Council, and thereafter appointments are to be made by the directors with the approval of the Governor in Council. Except as to the first Governor, Deputy Governor and Assistant Deputy Governor the officials designated are, subject to the approval of the Governor in Council, to receive such salaries as the directors from time to time determine, but no such remuneration is to be in the form of a commission or be computed by reference to the income or profits of the Bank.

Directors.—Certain members of the Civil Service of Canada are made the first, or provisional, directors of the Bank, and remain in office until replaced by directors duly elected in their stead at the first general meeting of shareholders. Such last-mentioned directors are to be elected for terms to run as follows: one until the third annual general meeting, two until the fourth annual general meeting, two until the fifth annual general meeting and two until the sixth annual general meeting. Thereafter the directors are to be elected by the shareholders at annual general meetings, and are to hold office for terms of five years. In the event of a vacancy amongst the directors the Board is to appoint a qualified person to hold office until next annual general meeting, when the shareholders are to elect a person to fill the vacancy for the remainder of the term. Directors, on the expiry of their terms, are eligible for re-election. The following are the qualifications of a director: He must be a shareholder who is registered owner of ten shares of the capital stock and has paid up calls thereon; directors are selected from diversified occupations; a director must not be a director, officer or employee of a chartered bank, and any person nominated for election as a director who is a shareholder of a chartered bank must if elected divest himself of ownership of his shares within three months of his election and must not thereafter during the period of his office have an interest, either directly or indirectly, as a shareholder in a chartered bank; he must be a British subject ordinarily resident in Canada; he must not be employed in any capacity in the public service of Canada or of any Province of Canada or hold any office or position for which any salary or other remuneration is payable out of public moneys; and he must not have reached the age of seventy-five years. If any director, in the opinion of the Board, becomes permanently incapacitated, he may be removed from office by resolution of the Board approved by the Governor in Council. The directors will be entitled to receive such fees as may be fixed by the Board and approved at a general meeting, but the aggregate amount of all fees paid to directors, exclusive of expenses, shall not exceed $20,000 in any year. The members of the Board are to select a chairman from amongst their number.

Executive Committee.—This consists of the Governor, Deputy Governor, one director selected by the Board, and the Deputy Minister of Finance or, in case of his absence or incapacity at any time, such other officer of the Department of Finance as the Minister may nominate for the time being, but the last-mentioned officer has not the right to vote. The Executive Committee is competent to deal with any matter within the competence of the Board, and every decision of the Committee is to be submitted to the Board at its next meeting. Except when the Board is in session the Executive Committee is to determine the minimum rates at which the Bank is prepared to discount or rediscount bills or to make advances, and the Bank shall at all times make public the rates at which it is prepared to discount or rediscount bills or to make advances. No action or decision of the Board of Directors, or of the Executive Committee, has any effect unless the same is concurred in by the Governor, or, in his absence or incapacity, by the Deputy Governor. Initial by-laws for the regulation of certain affairs of the Bank have been duly passed by the Board of Directors and approved, and appear in Vol. LXVIII, *Canada Gazette*, pp. 1969 *et seq.* These by-laws have reference to shares and certificates, nomination and election of directors, meetings of the Board and of the shareholders, business and powers of the Board, Executive Committee, common seal of the Bank and the annual statement of accounts.

Capital and Shares.—The capital of the Bank is $5,000,000, but may be increased from time to time pursuant to a resolution passed by the Board and ratified by a meeting of the shareholders and approved by the Parliament of Canada. The capital is divided into shares of $50 each, represented by share certificates, which are to be offered by the Minister at not less than par for public subscription in Canada, and to be allotted by him to persons eligible to hold shares, in such manner as he may in his discretion determine. If any of the shares are not subscribed for by the public within a reasonable period, the Minister is to subscribe for such shares, and payment therefor is to be made out of the Consolidated Revenue Fund, and he may offer these shares to the public at not less than par whenever in his opinion it is desirable to do so. $12.50, or such greater amount as the Minister may determine, shall be payable in respect of each share on application, and the balance shall be payable in one or more instalments within such period thereafter, not exceeding twelve months, as may be fixed by the Minister. Shares held by the Minister are to be registered in his name, and he will be entitled to vote in respect thereof. The liability of each member is limited to the amount for the time being unpaid in respect of shares held by such shareholder. Shares are to be held by or for the beneficial ownership of British subjects ordinarily resident in Canada, or corporations organized under the laws of the Dominion of Canada or of any Province and controlled by British subjects ordinarily resident in Canada, but not more than fifty shares shall be held by or for the benefit of any one person other than the Minister. No shares of the capital stock of the Bank shall be held by or for the benefit of any chartered bank, or any director, officer, clerk or employee of any such bank, and no chartered bank is to have any interest, directly or indirectly or through the medium of any officer, clerk, employee or other person, in any share of the Bank : and on the last day of January in every year the General Manager of every chartered bank must transmit to the Minister a statement in the prescribed form that he has duly inquired and has found that no share of the Bank nor any interest therein is or has been during the preceding year held by or for the chartered bank contrary to the Provisions of the Bank of Canada Act, or as the case may be. If shares are held by a person not eligible to hold shares, or if shares in excess of fifty are held by one person, the Governor shall require the shareholder to transfer or dispose of the shares or the shares in excess of fifty, as the case may be. If a shareholder fails to comply with this requirement within three months, the shares in question shall *ipso facto* on the expiration of three months from the mailing at Ottawa by registered mail of such requirement in the form of a notice in writing by the Minister to such shareholder be forfeited to the Crown, and shall be registered in the name of the Minister without further proceedings or formality, and may be sold by the Minister and the proceeds of such sales shall be deposited in the Consolidated Revenue Fund.

Business and Powers of the Bank.—The Bank may buy and sell gold, silver, nickel and bronze coin and gold and silver bullion; it may effect transfers of funds and buy and sell transfers of funds, trade acceptances, bankers' acceptances and drafts and certain bills of exchange drawn in or on places outside of Canada; it may buy and sell or rediscount certain securities issued or guaranteed by the Dominion of Canada or any Province; it may buy and sell certain securities issued by the United Kingdom, any British Dominion, the United States of America or France; it may buy and sell or rediscount certain bills of exchange or promissory notes endorsed by a chartered bank, and may make certain loans or advances to chartered banks or to banks incorporated under the Quebec Savings Banks Act or to the Dominion Government or to the government of any Province; for the purpose of its open market operation, it may buy and sell in the open market from or to any person either in or outside of Canada certain securities, cable transfers, bankers' acceptances and bills of exchange; it may accept from the Dominion Government or the government of any Province or from any chartered bank or from any bank incorporated under the Quebec Savings Banks Act deposits which shall not bear interest; it may open accounts in a central bank in any other country or in the Bank for International Settlements and act as agent, depositary or correspondent of such other central banks or the Bank for International Settlements; it may acquire by purchase or lease and hold real or immoveable property for the actual use and occupation of the Bank in connexion with its business and sell and dispose of the same; and do anything ancillary to all or any of the above purposes; and it may also acquire from any chartered bank and hold any warehouse receipt, bill of lading and other security held by such chartered bank as collateral security for the repayment of any bill of exchange or promissory note acquired by the Bank. The Bank must not engage or have a direct interest in any trade or business whatsoever; nor purchase its own stock or the shares of any other bank except the Bank of International Settlements or make loans upon the security thereof; nor must it lend or make advances upon the security of real estate, except that in the event of any claims of the Bank being endangered, the Bank may secure itself on any real property of the debtor and may acquire such property, which must, however, be resold as soon as practicable thereafter. It may not make loans or advances without security, or accept deposits for a fixed term or pay interest on any moneys deposited with the Bank, or allow the renewal of maturing bills of exchange, etc., purchased or discounted by or pledged to the Bank; but the Board may make regulations authorizing in special circumstances not more than one renewal of any such bill of exchange, etc. The Bank is to act as fiscal agent of the Government of Canada without charge and, subject to the provisions of the Act, by agreement may also act as banker or fiscal agent of the government of any Province. If required by the Minister so to do, the Bank must act as agent for the Government of Canada in the payment of interest and principal and generally in respect to the management of the public debt of Canada.

Note Issue.—On and after the day on which the Bank is authorized to commence business the Bank shall, except as provided in the Bank Act, have the sole right to issue notes payable to bearer on demand and intended for circulation in Canada, and may issue such notes to any amount. Such notes are legal tender, and are the first charge upon the assets of the Bank. Notes of the Bank shall be in such denominations as the Governor in Council from time to time may determine, and notes in either the English or the French language shall be available as required.

Redemption of Notes.—The Bank is required to sell gold to any person who makes demand therefor at the head office of the Bank and tenders the purchase price in legal tender, but only in form of bars containing approximately four hundred ounces of fine gold. This is subject to the right of the Governor in Council to suspend the operation of this provision.[1] On the day on which the Bank is authorized to commence business the Minister must transfer to the Bank (*a*) gold held by the Minister for redemption of Dominion notes, (*b*) silver held by him for redemption of Dominion notes valued at the market price of the fine silver content thereof, and (*c*) securities of the Dominion of Canada bearing interest at 3 per cent. per annum, payable half-yearly and having a maturity not exceeding five years, valued at par, to the amount of Dominion notes outstanding on that day, except notes issued under the authority of the Finance Act. On and after the day on which the Bank is authorized to commence business the Bank will be responsible for the redemption of all Dominion notes then issued and outstanding and such notes shall be and shall continue to be legal tender. On the day on which the Bank is authorized to commence business, the chartered banks are to repay all advances then outstanding under the Finance Act.

Reserves.—Special provision is made respecting the maintenance of a reserve as security against the outstanding notes and deposit liabilities of the Bank, and also in respect to the Reserve to be maintained with the Bank by the chartered banks. See the statute itself for details.

Surrender of Gold to Bank.—Every chartered bank must, on the day on which the Bank is authorized to commence business, transfer to the Bank all gold coin or bullion owned and held by it in Canada ; and the Governor in Council may also from time to time require every chartered bank or every other person to transfer to the Bank any or all gold coin or bullion held in Canada which is owned by the chartered bank or by such other person. The value of gold sold by, transferred to, held as reserve by or deposited with the Bank is to be computed on the basis established by the Currency Act at the date of the relevant transaction. Profits resulting from the sale by the Bank of gold coin and bullion or from an increase in value thereof resulting from any change in the monetary standard of Canada must be paid by the Bank to the Receiver-General for the Consolidated Revenue Fund. This does not, however, apply to gold transferred to the Bank by chartered banks on the day on which the Bank is authorized to commence business (see above) if the Governor in Council be satisfied that the gold was at the time of the transfer being held by a chartered bank against liabilities elsewhere than in Canada, and in such case the profit shall belong to the chartered bank.

Profits.—The Bank is to establish a Rest Fund, and after making such provision as the Board thinks proper for bad and doubtful debts, depreciation in assets, pension funds and all such matters as are properly provided for by banks, and after deducting an amount equal to 4½ per cent. of the paid-up capital which may be utilized for the payment of cumulative dividends at a rate of 4½ per cent. per annum, payable half-yearly, the ascertained surplus available from the operations of the Bank during each financial year are to be applied by the Board in the manner set out in the Act.

---

[1] The operation of this provision was so suspended for a period of one year from and after March 10, 1935, by Order in Council dated March 6, 1935.

Winding-up.—No statute relating to the insolvency or winding-up of any corporation applies to the Bank, and in no case are the affairs of the Bank to be wound up unless Parliament so provides. If, however, provision be made for winding up the Bank, the notes of the Bank outstanding will be the first charge upon the assets, and in no case will the shareholders receive any payment in excess of the paid-up capital of the Bank and accrued dividends, if any.

Bills of Exchange.—C. 17 adds to the list of legal holidays or non-juridical days (in respect to all matters relating to bills of exchange) the following: " In any city, town, municipality or other organized district, any day appointed as a civic holiday by resoluton of the Council, or other statutory body charged with the administration of the civic or municipal affairs of the city, town, municipality or district."

Companies.—A new Companies Act, c. 33, regulating Dominion companies, has been passed.

Customs.—The Customs Act and the Customs Tariff are respectively amended by cc. 48 and 49, and under the amendments the Governor in Council, whenever it is deemed expedient to do so, may order that excise duties and excise taxes in whole or in part shall be disregarded in estimating the value for duty of goods of any kind imported into Canada from any specified country and may vary or rescind such order. C. 48 also, under penalty, forbids anyone to make, aid or assist in making any visual, sound, radio or other signal in or on board or from any ship or boat, or from any part of the coast of Canada, or within three maritime miles of any part of the coast or shore, for the purpose of giving notice to any person on board any smuggling ship or boat, whether any person so on board be or be not within distance to notice or receive any such signal. It is not necessary to prove on any information in such case that any such ship or boat was actually on the coast, and the burden of proof that such signal was not made with intent and for the purpose of giving such notice as aforesaid is upon the defendant against whom the charge is made. The Customs Tariff is also amended by c. 32 in a large number of particulars too numerous to mention here; and reference must be made to the enactment itself for details.

Criminal Code.—C. 47 amends the Criminal Code in respect to dangerous weapons, the carrying, sale and lending thereof, permits in respect thereto and registration thereof; also in respect to lotteries, automobiles and other transport vehicles with apparatus for making a smoke screen, theft of electricity, sale of used, reconditioned or rebuilt goods, watching or besetting, and matters affecting appeals from convictions, summary trials, change of venue and time within which prosecutions are to be commenced. The Act came into force on September 1, 1934, except the amendment relating to the penalty for having possession of a pistol or revolver without having registered the same as provided by the statute and the registration of revolvers and pistols by the Commissioner of the Royal Canadian Mounted Police, which will come into force on proclamation of the Governor in Council.

Dominion Notes.—The Dominion Notes Act was amended by c. 34 in respect to the security to be held for the redemption of Dominion notes; and by virtue of this amending Act the Dominion Notes Act has been repealed upon, from and after March 11, 1935.

Excise.—The Excise Act has been amended and consolidated and appears in its new form, *i.e.* c. 52.

Food and Drugs.—Under c. 54 the Food and Drugs Act has been amended, and under the amendments no person is to import, offer for sale or sell any remedy represented by label or by advertisement to the general public as a treatment for any of the diseases, disorders or abnormal physical states named or included in Schedule A to the amending Act, or in any amendment to such schedule. The schedule contains a list of thirty-four varied ailments and diseases, and the reader should consult the statute itself for details.

Fruit and Honey.—C. 18 regulates the fruit and honey industries, and the licensing of interprovincial traders in fruit and vegetables.

Insurance.—The Canadian and British Insurance Companies Act, 1932, has been amended by c. 27. By this amending Act, the preamble and parts of the principal Act have been amended by omitting reference to British insurance associations and leaving out the specific reference to British insurance companies. A large number of other amendments have been made, in respect, amongst other things, to mutual insurance companies, the necessity of registration of the company before transacting business, the documents to be filed on registration, restrictions upon loans to directors or officers, or their respective wives or children, investment in the stock of other insurance companies, various statements to be filed periodically by a company, insolvency of a company, assets to be maintained in Canada, objections to the names of companies and the mode of disposing of such objections. The Foreign Insurance Companies Act, 1932, is amended by c. 36 in several respects with regard to statements to be furnished on registration and periodically, objections to names of companies and the method of dealing with such objections, the assets to be maintained in Canada, classes of hazards covered by fire certificate, withdrawal of certificate of registry of any fraternal benefit society or any company in case of deficiency of assets, insolvency of companies, the assets in which a company may invest its funds and the bases of computing valuation premiums. C. 45 amends the Canadian and British Insurance Act, 1932, by allowing a company registered under the Act to invest its funds in debentures, etc., of corporations fully secured by statutory charge upon real estate, or plant and equipment of such corporation used in the transaction of its business, provided interest in full shall have been paid regularly for a period of at least ten years immediately preceding the date of investment in such debentures, etc., upon the securities of that class of the corporation then outstanding ; or on bonds or other evidences of indebtedness of such corporation which are fully secured by mortgage or hypothec to a trustee of securities of the class above mentioned.

Marketing.—To improve the methods and practices of marketing natural products in Canada and in export trade, c. 57 has been passed, under the title of the Natural Products Marketing Act, 1934. Under this Act a Dominion Marketing Board and local boards are to be established for the purpose of regulating the marketing of natural products, and amongst the powers of the Board is one to conduct a pool for the equalization of returns received from the sale of the regulated product, and also to approve of a scheme for marketing a particular product; and when such a scheme has been duly approved, its provisions as so approved will have the force of law.

Oath of Allegiance.—The Oaths of Allegiance Act has been amended by

c. 21, by shortening the actual form of oath and by giving the Governor in Council the right to make regulations having the force of law requiring persons appointed to or holding any office under the legislative authority of the Parliament of Canada to take the oath of allegiance.

Race-course Betting.—The provisions of the Criminal Code allowing betting at race-courses under certain circumstances are amended by c. 11, which extends certain privileges to race-meetings which continue for not more than fourteen days of continuous racing on days on which such racing may be lawfully carried on and at which there are not more than seven races on any such day, provided that no association holds, and that on any one race-track there be not held, in any one calendar year, more than two race-meetings of seven days each at which there are running races and that there is an interval of at least twenty days between meetings.

Radio.—By c. 60 the provisions of the Act, S.C. 1932–3, c. 35, are re-enacted and extended to April 30, 1935.[1]

Railways.—The agreement between the Canadian Northern Ontario Railway Company and the Campbellford, Lake Ontario and Western Railway Company, dated May 1, 1912, is ratified and confirmed by c. 4, and the parties to the agreement are authorized and empowered to do whatever may be necessary to give full effect to the provisions of the agreement, which has reference to the joint use of certain railway lines, lands and premises. C. 5 similarly ratifies and confirms the agreement, dated January 1, 1927, between H.M. The King and the Canadian Pacific Railway Company. The last-mentioned agreement refers to the use of the passenger station and passenger facilities at St. John, N.B. C. 10 ratifies the agreement dated January 1, 1915, between Canadian Pacific Railway Company and H.M. The King, respecting the joint use of certain tracks and premises at Quebec. C. 28 authorizes the provision of moneys to meet expenditures made and indebtedness incurred in respect to the Canadian National Railways during the calendar year 1934, and to provide for the refunding of certain maturing financial obligations.

Relief.—C. 15 was passed in view of the probability that the Provinces may require further assistance in carrying out necessary relief measures and in meeting financial conditions as they may arise; and the statute declares that in such event it is in the national interest that the Dominion Parliament should support and supplement the relief measures of the Provinces and grant them financial assistance in such manner and to such extent as the Governor in Council may deem expedient; and the Act makes provision accordingly and vests in the Governor in Council the necessary powers to carry out the purposes of the Act. C. 59, in its preamble, recites that it is in the national interest that the Dominion of Canada should undertake the construction of certain public works and undertakings for the general advancement of the country and to accelerate the recovery of more normal economic conditions; and that the construction and execution of the works mentioned in the schedule to the Act will tend to increase employment and reduce expenditure for relief purposes. The Act therefore empowers the Governor in Council to enter into the necessary contracts and do all such other acts and things as may be necessary and expedient for the purpose of executing and completing the several works and undertakings mentioned in the schedule to the Act, which include the erection of a large number of public buildings, harbour repairs and improvements and other works of a public nature throughout the country, involving a total expenditure of over $39,000,000.

---

[1] See *Journ. Comp. Leg.*, 3rd Series, vol. xvii, pt. ii, p. 43.

Shipping.—The Canada Shipping Act, c. 44, comprises in a most comprehensive manner rules and regulations affecting shipping; and the reader is referred to the statute itself for detailed information. The Act is not to come into force until a date to be fixed by a proclamation of the Governor in Council published in the *Canada Gazette*, but he may, in the same manner and from time to time, bring any portion or portions only of the Act into force. The Act repeals 57 & 58 Vic., c. 60, Merchant Shipping Acts, 1894 to 1928, together with all Acts adding to or amending the same, so far as they are part of the law of Canada, and also R.S.C. 128, Maritime Conventions Act, R.S.C. 186, Canada Shipping Act, 21–22 Geo. V, c. 21, and 23–24 Geo. V, c. 52, Acts to amend the Canada Shipping Act, and 21–22 Geo. V, c. 49, the Safety of Life at Sea and Load Line Conventions Act, 1931.

2. ALBERTA.

Acts passed—76: Public and General—71; Local and Private—5.

Following the precedent of 1933, the synopsis prepared by Mr. J. D. Hunt contains lines of verse on its title-page. This year the verses breathe a high idealism.

> I will start anew this morning with a higher, fairer creed;
> I will cease to stand complaining of my ruthless neighbour's greed;
> I will cease to sit repining while my duty's call is clear;
> I will waste no moment whining, and my heart shall have no fear;

and so on.

It is allowable to hope that the legislature of Alberta may be inspired by these lines to lofty efforts.

The following notes are extracted from this synopsis of legislation for 1933 to April 1934.

The legislation for this period was mainly concerned with trade regulation and the consequences of the depression. The principal laws of the first class are the following:

Control and Marketing of Wheat.—C. 35 is intended to implement an agreement between the Governments of Argentine, Australia, Canada and the United States of America, to limit their exports of wheat during the crop years August 1, 1934, to July 31, 1935, to maximum figures. The Lieutenant-Governor in Council is empowered to establish an emergency Wheat Control Board, which is to have power to control by licence or otherwise the quantity or volume of wheat which owners or occupants of land may sell in the Province during the crop season, and to require that wheat sold shall be sold or delivered in accordance with the regulations of the Board. Very wide additional powers may be given to the Board by the Lieutenant-Governor to secure the object of the agreement. This purpose is stated to be the elimination of an abnormal surplus. Among other important powers given by the Act to the Lieutenant-Governor, he is empowered to proclaim any legislation enacted by the Parliament of Canada which has for its object the carrying out of the agreement to be enforced in the Province to the extent that the same is not within the legislative competence of the Parliament of Canada and is within that of the Legislative Assembly of the Province.

Department of Trade and Industry.—Provision is made by c. 33 for the creation of a department of trade and industry over which a Minister is to preside. It is to be the duty of the Minister to encourage the betterment of the conditions of all trades in, and the development of the natural resources of, the Province. He is given wide powers. Thus, he may invite persons carrying on any trade to appoint representatives to confer with him and to formulate codes setting up standards of ethics, methods, practices and systems applicable to the trade with the object of putting an end to competitive practices which are detrimental and establishing standards of price. The codes may be made binding by the Lieutenant-Governor, if approved by two-thirds of the persons engaged, or by persons owning two-thirds of the aggregate capital.

The Lieutenant-Governor may provide for the registration of persons engaged in trade and for their licensing, and prohibit the carrying on of any trade by a person who is not licensed. The Act applies to wholesale and retail dealers, druggists, printers, restaurant-keepers, etc., but other trades may be brought under it by petition to the Lieutenant-Governor by persons engaged therein. Sale of any commodity named in an order of the Lieutenant-Governor may be prohibited at any price less than the laid-down cost or replacement cost, together with such additional amount of percentage as may be fixed in the order.

Nothing in the Act applies to the retail sale of (*a*) second-hand goods; (*b*) repossessed goods; (*c*) damaged goods; (*d*) perishable goods which cannot be kept and will become unsaleable unless disposed of immediately; (*e*) goods advertised in *bona fide* mail order catalogues and sold by a person or company in the ordinary course of its mail order business.

Where the minimum price of any commodity has been fixed, that commodity may be sold at a price less than the minimum price so fixed, subject to any regulations which may be made by the Minister, in case that commodity (*a*) is part of a bankrupt stock or (*b*) is only saleable at less than the minimum price for the reason that the season for selling the same is approaching an end, or that the same is out of fashion or that the same is a part of a broken stock of merchandise; or (*c*) is of such a kind as is usually included in merchandise which is disposed of by retail by means of special seasonal sales.

In case no agreement is effected as to the minimum scale of wages in any trade, the Lieutenant-Governor may make an order (*a*) classifying employees according to the nature of the employment or their sex, or both; (*b*) divide the Province into districts; (*c*) fixing the minimum wage in the Province or in any special district or districts into which the Province may have been divided.

The Lieutenant-Governor may by subsequent order vary, alter, modify, amend or cancel the previous order.

Bread.—C. 42 makes provision for the licensing and inspection of bakeshops. It contains elaborate provisions for the classification of bread, for securing that the trade shall only be carried on on proper premises, for preventing the making of unwholesome bread and for the sale of bread by standard weights. Inspectors may be appointed, and every member of the Royal Canadian Mounted Police engaged upon police duty is *ex officio* an inspector. Wide powers of entry and search are given to inspectors, who may take samples of bread for analysis. A certificate of the Provincial Analyst is *prima facie* evidence.

Coal Miners' Wages Security.—C. 43 requires mine-owners to lodge with the Minister security for the payment of twelve months' wages. The amount of the security is normally equal to the greatest amount paid by the mine-owner in one month during the preceding twelve months. Its form is, in case of considerable sums, to be such as is certified as good and sufficient by the Board of Public Utilities. Deposit in cash with the Minister is always good. The Act makes provision for the disposal of the security by the Minister in case of default in payment of wages.

Dairy Industry.—C. 24 provides for the inspection of milk and cream factories and forbids persons to operate any creamery or cheese factory or act as grader or tester of milk or cream without licence from the Minister.

Public Utilities.—C. 65 amends the Act of 1932 [1] enlarging the power of the Public Utilities Board in respect to inquiries into any matter relating to the production, distribution or sale of milk, and to make regulations. Among other matters which come within its regulative powers are the prohibition of any person or class of persons from engaging in production or sale of cream unless authorized by the Board and the prescribing of terms upon which cream may be produced and sold. In most respects the Act appears to reproduce the provisions of the Act of 1932 in an amended form.

Natural Products Marketing.—C. 34 authorizes the Lieutenant-Governor to proclaim in Alberta any enactment of the Parliament of Canada the object of which is to improve the methods and practices involved in the marketing of natural products in Canada and in export trade. Statutes so proclaimed will be in force in the Province so far as they relate to any commodity produced in the Province and in so far as they relate to any other commodity to the extent that the same are not within the legislative competence of the Parliament of Canada and are within the competence of the Legislative Assembly of the Province. The Lieutenant-Governor may appoint marketing boards for marketing commodities produced in the Province to which the Statute of Canada relates.

Government Liquor Control.—The subject has been more than once before the Alberta Legislature in recent years.[2] The present Act, c. 9, *inter alia* regulates the hours of opening of government liquor stores.

No sale or delivery of liquor is to be made on or from the premises of any store during the time which it is required to be not open for the sale of liquor save and except only that the vendor may sell and deliver beer to a person who is the holder of a beer licence on any holiday not being a Sunday upon which the person is permitted to have open the premises in respect of which he is licensed.

The Board [3] may, in accordance with this Act and the regulations made thereunder: (*a*) grant a beer licence in respect of an hotel kept and operated by the licensee authorizing him to sell beer by glass or open bottle to persons not disqualified under this Act for consumption in that part of the hotel set out in the licence; (*b*) grant a licence to a person who is the holder of a beer licence authorizing him to sell beer in closed bottles to persons not disqualified under this Act for consumption elsewhere than on the licensed premises.

---

[1] *Journ. Comp. Leg.*, Third Series, vol. xvii, pt. ii, p. 46.

[2] See *ibid.*, vol. viii, pt. ii, pp. 69 ff.; vol. ix, pt. ii, pp. 51 ff.

[3] *I.e.* Alberta Liquor Control Board, which controls the sale of liquors under the Act of 1924; *Ibid.*, vol. viii, pt. ii, pp. 69 ff.

The question as to whether or not any licence authorizing the sale of beer in closed bottles for consumption elsewhere than on licensed premises shall be granted to the beer licensees in any municipality may be submitted by way of a plebiscite in the same manner, *mutatis mutandis*, as is provided in Part III of this Act, and in case upon the plebiscite being taken the question is decided in the negative, no such licence shall be granted in that municipality.[1]

Stock Inspection.—C. 25 is mainly directed to control the driving of stock. Stock is not to be driven on foot for more than twenty miles without a permit from the Livestock Commissioner or the Canadian Mounted Police. Members of the police are also empowered to inspect any motor truck, etc., in which any stock or poultry is being carried, and to make inquiries from the person in charge.

Another series of Acts relates mainly to the depression which has affected so much of the world. Very brief notices are requisite.

Debt Adjustment.—The consolidation Act noted in our last review[2] is largely amended by c. 11.

Local Tax Arrears Consolidation.—C. 59[3] makes provision for consolidation of arrears of local taxes upon application to the treasurer of the municipality. Applications are dealt with by the municipal council, and appeal lies to the Tax Consolidation Board. If the application is granted, a consolidation agreement is drawn up and payment of the arrears in the manner therein prescribed causes proceedings under the Tax Recovery Act to be suspended. The arrears are normally to be paid by six annual instalments, and discounts of a substantial character are allowed on payment at the agreed dates.

Provincial Agricultural Debts and Credits.—By c. 36 the Lieutenant-Governor in Council is empowered to proclaim any legislation enacted by the Parliament of Canada to be in force in the Province which has for any of its objects the extension of credit to persons engaged in agriculture, or the effecting of compromises between such persons and their creditors or either of those objects, to the extent that the legislation so proclaimed is not within the legislative competence of the Parliament of Canada and is within that of the Legislative Assembly of the Province, and upon being so proclaimed, that legislation shall to the extent aforesaid have force in the Province as if it had been expressly enacted as a statute of the Province.

For the purpose of implementing any compromise of debts under any legislation of Canada so proclaimed to be in force, the Lieutenant-Governor in Council may from time to time make regulations authorizing any city, town, village, municipal district or improvement district to enter into agreements for the purpose of compromising or consolidating, or compromising and consolidating any tax arrears owing to it by any person engaged in agriculture, and to waive, either wholly or in part, interest and penalties on arrears of taxes, and may prescribe the conditions and terms of any such agreements and as to the procedure to be followed in respect therewith, and may suspend all or any of the provisions of any Act relating to the recovery of taxes in the application to any land in respect of which an agreement has been entered into during the subsistence thereof.

[1] For Local Option in Alberta see *Journ. Comp. Leg.*, *loc. cit.*, p. 71.

[2] *Journ. Comp. Leg.*, Third Series, vol. xvii, pt. ii, p. 46.

[3] Cf. Act 28 of 1933 (*Journ. Comp. Leg. loc. cit.*, p. 47).

In case a conflict arises between the provisions of any legislation of Canada proclaimed to be in force pursuant to this Act and any other statute of the Province, the provisions of the statute so proclaimed to be in force shall prevail.

Creditors.—C. 8 takes the place of the Creditors' Relief Act, 1922, which is repealed. Its provisions follow, however, in a general way those of the earlier Act. That Act does not, however, appear to have been noted in our review of the legislation of 1922. The present Act determines the persons entitled to share on an execution. The sheriff is prohibited from proceeding under a writ unless expressly instructed to do so and until provision is made for his fees, etc., and further provision is made for the distribution of money in the hands of the sheriff among the creditors entitled thereto.

Feed Grain and Fodder Advances,—C. 23 empowers the Minister of Agriculture to make advances by way of relief for feed grain and fodder. The Act is, in principle, an extension of the Fodder Relief Act noted in a former review.[1]

Temporary Seed Grain Advances.—C. 19 provides that the council in the case of a municipal district and the Minister of Municipal Affairs in the case of an improvement district may borrow money for the purpose of making advances of seed grain to farmers who are unable to procure same out of their own resources.[2]

The money borrowed is to be expended in the purchase and distribution of seed grain, but no advance is to be made after May 15, 1934. As security the municipality is required to take a written lien upon crops.

Financial Legislation is represented by an Income-tax Act and a Succession Duties Act.

Income-tax.—By c. 68 the base tax of $3 is abolished and a graded scale established, rising from 1 per cent. where the excess of income over the amount exempt from taxation is not greater than $2,000 to 26 per cent. where such excess is over $27,000. Corporations and joint stock companies pay 4 per cent. flat rate.

Succession Duties.—The provisions of the Act of 1932 are re-enacted by c. 17 with the changes deemed necessary in view of the constitutional limitations on the taxing powers of the Province.[3]

Among miscellaneous legislation the following appear most useful to note:

Payments under Invalid Statutes.—By c. 16 every payment heretofore made to the Government of the Province on account of any tax imposed by virtue of any statute of the Province which is or has been subsequently to the payment declared to be invalid by any court of competent jurisdiction shall be deemed to be payment made in mistake of law notwithstanding that the payment has been made under protest, and no action shall lie for the recovery thereof except only in cases where the payment has been made in pursuance of an agreement in writing which has been approved by the Lieutenant-Governor in Council, providing for repayment in a specified event.

Every payment heretofore made to the Government of the Province by any person whomsoever on account of any tax imposed by any statute of the Province which subsequently to the time of payment is declared to be invalid shall be deemed to have been lawfully made; and no action of any kind whatsoever shall lie against any person in respect of any payment so made.

---

[1] *Journ. Comp. Leg.*, Third Series, vol. xvii, pt. ii, p. 33.

[2] Cf. *ibid.*, vol. xv, pt. ii, p. 39.

[3] See *Kerr* v. *Attorney-General of Alberta*, [1933] A.C. 710.

Domestic Relations.—C. 7 empowers the court to vary an order for payment of alimony or maintenance by altering times of payment or increasing or diminishing amount if it is made to appear that the means of the parties have increased or the wife has been guilty of misconduct, or, being divorced, has married again. The principal Act of which this is an amendment dates from 1927 and was fully noted in our review for that year.[1]

Threshers' Liens.—C. 28 provides for the registration of threshing machines with the Minister of Agriculture, and of transfers thereof. Under Part II of the Act, persons who thresh grain, or cause grain to be threshed for another person at a fixed rate of remuneration, shall for a limited period have a lien upon such grain to secure payment. The same rule applies as regards persons who cut and thresh grain with a combination thresher. The lien has priority over writs of execution, and with some reservations, over bills of sale, rights of distress, etc., but is only available for the amount of a fair remuneration. If the grain threshed or cut has been sold and delivered to a *bona fide* purchaser and removed, the lien is transferred to so much of the price as remains unpaid when the purchaser receives notice of the lien. If the grain is delivered to a person who advances money upon it, advances made *bona fide* before receiving notice of the lien have priority. The lien holder has, after written notice, a right of retention over such quantity of the grain as will secure payment of the remuneration earned at the time of the taking. The Act may be compared with the Mechanics' Lien referred to in our review of legislation of 1930.[2]

Companies.—C. 10 forbids loans to be made by any public company to any shareholder or director.

Domestic Animals (Municipalities).—C. 60 deals with animals running at large when grazing on unfenced land, and authorizes any occupier of land in a pound district to capture any estray which he finds on any land so occupied by him which is surrounded by a fence and which, after repeated attempts, cannot be kept away from that land, and may drive it to the nearest pound district and deliver it to the pound-keeper to be impounded, there to be dealt with as a trespassing animal as provided for in this Act. The Act amends the Domestic Animals Act referred to in our Review of Legislation for 1928.[3]

Ultimate Heir.—C. 18 provides a method whereby a claim to property which has been transferred or delivered to the University under the Ultimate Heir Act may be pursued, first before the University and later, if necessary, before the courts. The Ultimate Heir Act made the University the ultimate heir of persons dying intestate as regards property in Alberta.[4]

Game.—C. 27 amends the Game Act of 1932[5] and forbids the taking of game on land enclosed by a fence or under cultivation or adjacent to buildings without having first obtained the consent of the owner or occupant.

---

[1] *Journ. Comp. Leg.*, Third Series, vol. xi, pt. ii, p. 43.

[2] *Ibid.*, vol. xiv, pt. ii, p. 39.

[3] *Ibid.*, vol. xii, pt. ii, p. 66.

[4] *Ibid.*, vol. xiii, pt. ii, p. 34.

[5] *Ibid.*, vol. xvi, pt. ii, p. 32.

Schools.—C. 30 amends the Act of 1931, giving power to the school boards *inter alia* to provide free medical, dental and surgical treatment for pupils or classes of pupils and children of pre-school age on the request of the Council of any town or city. Among other provisions, it also prohibits the appointment of teachers who have not got a valid certificate of qualification under the regulations of the Minister and constitutes a board of reference to act as a board of conciliation where disputes arise between a school board and a teacher.

Public Vehicles and Highway Traffic.—Cc. 63 and 62 regulate traffic on highways. The first-mentioned Act deals with freight vehicles which may be prohibited from being operated on specified highways without a permit. The second Act requires the registration of trailers and authorizes regulations as to their operation upon highways. The Act further regulates the lighting of motor vehicles and of vehicles other than motor vehicles. It gives power to any city, town or village to pass by-laws requiring that all vehicles shall be brought to a standstill before entering upon any specified highway. Another interesting provision is to the effect that save in the case of motor vehicles which are ordinarily used for the carrying of passengers for hire or gain, no action shall lie against either the owner or the driver of a motor vehicle by a person who is carried gratuitously as a passenger in that motor vehicle or by the personal representative or next-of-kin of any such person for any injury, loss or damage sustained by that person by reason of the negligent operation of that motor vehicle on a highway by the driver thereof.

3. BRITISH COLUMBIA.

Acts passed—75 : Public—69 ; Private—6.

Chiropractors.—In c. 12 the healing science known as chiropractic becomes recognized in British Columbia, the term " chiropractic " being defined in the Act to mean " the science of palpating and adjusting the articulations of the human spinal column by hand only," and " chiropractor " being defined as " any person whose method of treatment of the human body for disease and the causes of disease is confined solely to chiropractic." There is constituted an association known as the Chiropractors Association of British Columbia, of which all practising chiropractors are to be members. The Association is given power to regulate the practice of chiropractic in the Province and to examine and admit new members and to exercise general disciplinary powers.

Conditional Sale of Chattels.—By the Conditional Sales Amendment Act (c. 14) it is provided that a renewal statement in respect of each conditional sales agreement shall be filed every three years by the vendor, and that such statement shall set out the interest of vendor, together with a statement of the amount due under the agreement. The statement is to be verified by affidavit, which shall also contain a statement that the agreement has not been kept in force for any fraudulent purpose.

The amending Act also provides, where the conditional sale agreement covers fixtures other than what are defined in the Act as building materials, that upon the filing (within twenty-one days after the goods become affixed) of a notice in the Land Registry Office accompanied by a copy of the conditional sale agreement, the goods which have been affixed to the land shall remain subject to the rights of the seller as fully as they were before being affixed. The filing in the Land Registry Office is deemed to be notice to the owner of the land and all existing encumbrancers as well as subsequent purchasers and encumbrancers. Before repossessing any fixture the seller is required to give notice to the owner and encumbrancers of the land, all of whom, as against the seller, are given a right to redeem.

Constitution.—The principal Act is amended (c. 15) to provide for a new cabinet portfolio, the Minister to be called the Minister of Municipal Affairs.

Coroners.—C. 17 provides that where an inquest has been adjourned after reviewing the body and any of the jurors become unable to attend, a judge of the Supreme Court may order that the inquest proceed if there is still a majority of the jury available.

Economic Council.—C. 19 creates a permanent commission to be known as the Economic Council, its function being to conduct industrial and economic research and to publish technical scientific and statistical information, and generally to investigate possibilities of economic and industrial development in the Province. The Council is given the like powers of inquiry as are had by a Commission appointed under the Public Inquiries Act.

Executors.—An amendment to the Administration Act (c. 2) restricts the application of the maxim *actio personalis moritur cum persona* by providing that the legal representative of a deceased person may maintain an action for tort in the same manner and with the same rights as the deceased would have had if he had lived, except that recovery in the action is not to extend to damages for personal disfigurement, pain and suffering caused to the deceased, or to expectancy of earnings subsequent to the death of deceased. It is also provided that pending actions for tort may be continued, notwithstanding the death of either plaintiff or defendant. Where the deceased wrongdoer was insured against liability by a motor vehicle liability policy, then notwithstanding the terms of the policy, the rights of the injured person against the insurer are the same as if the wrongdoer were still alive. Where, however, the insurer is compelled to pay any sum which he would not have had to pay but for this statute, he has a right of recovery against the estate of the insured person.

The right of action accruing under Lord Campbell's Act is unaffected by this legislation.

Hospitals.—The principal Act is amended (c. 28) by providing a limitation period of one year for negligence actions against hospitals receiving provincial aid under the Act.

Hours of Work.—C. 30, a consolidation of existing statutes, fixes the maximum hours of work at forty-eight per week for employees in certain industries and empowers a body called the Board of Industrial Relations to make regulations for the general enforcement of the Act and for providing exceptions in certain cases.

Land.—The principal Act is amended (c. 34) by providing for exchange of homesteads in the case of homesteads situated in isolated or inaccessible places.

Legal Professions.—The principal Act is amended (c. 35) to provide that the Benchers of the Law Society shall be bound by a resolution passed at a general meeting of the society, except in matters relating to legal education, admission to the bar and judicial or disciplinary matters. It is also provided that when at a meeting of the Benchers any three Benchers dissent, that the resolution may be referred to a meeting of the society.

Marketing.—The Natural Products Marketing Act (c. 38) provides for the setting up of a Board to regulate marketing of natural products within the Province, to co-operate with the Board constituted under the Dominion Act, which has jurisdiction to regulate interprovincial and export marketing. In effect the Act gives legislative sanction to a scheme of co-operative marketing.

Minimum Wages.—Both Male and Female Minimum Wage Acts are amended and consolidated (cc. 47, 48). Both Acts are to be administered by the Board of Industrial Relations, the same body which administers the Hours of Work Act. The Board may fix minimum wages in all industries. The Acts do not apply to farm labourers, domestic servants nor to female fruit pickers.

Mortgagors' and Purchasers' Relief.—The Act passed in 1932 is repealed and re-enacted (c. 49). The new Act provides that leave of the Supreme Court must be obtained before proceedings may be taken for enforcement of any instrument secured on land. The Act does not apply to instruments created after April 12, 1932, securities issued by municipalities nor to moneys due for insurance or taxes which under the terms of any instrument may be capitalized or added to principal. The former Act exempted money due for interest, but this is not now exempted. The applicant for leave first takes out an appointment for a hearing before the registrar at which the general financial positions of the parties and the state of the title of the land in question are investigated. The registrar makes his report to a judge, who may then grant or refuse leave to proceed or postpone the exercise of the mortgagee's right of enforcement of the security. The hearing before the registrar is a private one.

Motor Vehicles.—The principal Act is amended (c. 50) to authorize the Lieutenant-Governor in Council to make reciprocal agreements with other Provinces and territories for the mutual recognition of motor-vehicle licences. Provision is also made for the temporary licensing of motor vehicles bringing goods into the Province.

Reports of accidents made to police are not now available for public inspection and are inadmissible in evidence.

Municipalities.—The Municipal Act is amended (c. 53) to provide that, while the affairs of a municipality are being administered by a Commissioner appointed under the 1932 amendment, no action be taken against the municipality on its debentures or other securities without consent of the Attorney-General.

Special Powers.—C. 60 gives the Lieutenant-Governor in Council power to pass ordinances having the effect of law in relation to a wide range of subjects, including management of provincial resources, borrowing and lending of money, public works, property and civil rights in the Province, and generally all matters of a merely local or private nature. Powers conferred on the Legislature by paragraphs 1, 2, 4, 6, 9, 11, 12 and 14 of s. 92 of the British North America Act are declared not to be delegated to the Lieutenant-Governor in Council under this Act. The Act is to remain in force until the next session of the Legislature, at which time a report of all acts done under the powers conferred by the Act is to be laid before the Legislature.

Succession Duty.—The principal Act is amended and consolidated (c. 61) to conform to the limitations by which the Privy Council declare that provincial succession duty enactments are hedged, in the case of *Kerr* v. *Attorney-General of Alberta*, [1933] A.C. 710. The system of collection authorized by the old Act requiring payment of duties by the executor before issue of probate is now abandoned. Taxation is confined to two heads, namely, all property within the Province of decedents domiciled both within and without the Province, and to personal property of decedents domiciled within the Province passing by virtue of the law of the Province to persons domiciled in the Province. Minor new features in the Act include the requirement of the consent of the Minister to the opening of safety deposit boxes, and to the withdrawal of money from bank accounts.

Income-tax.—An amending Act (c. 65) defines income as including dividends paid wholly or in part by the distribution of shares, debentures or debenture stock of any corporation. The personal exemption of married persons and householders is raised from $500 to $1,000, with a maximum joint exemption of $1,000 when both husband and wife are taxable, and the exemption of single persons is set at $600.

4. MANITOBA.

[*Contributed by* WILSON E. MCLEAN, ESQ., *Legislative Counsel.*]

At the 1934 session of the Legislature ninety-eight Bills were introduced and ninety were passed, of which four were private Acts and thirty-six related to municipal matters. The first nine statutes mentioned form part of the Consolidation.

County Courts.—A departure was made in c. 5 in that all matters properly the subject of rule are left to the rules which are established by the county court judges. The Act itself deals with the constitution of the court and its jurisdiction. Jurisdiction covers tort, recovery of personal property, interpleader, garnishment, attachment, trespass to land and dissolution of partnership. Wages are not garnishable before judgment. The jurisdiction of the court is limited to $800, but claims beyond this may be entertained if the excess is abandoned. Trial by jury is continued, but only on order of the court.

Surrogate Courts.—C. 6 makes minor changes only. It follows the Ontario Act. The Winnipeg clerk records all grants to avoid duplication. Contentious proceedings where property involved exceeds $2,000 in value may be removed to Court of King's Bench. Trust companies are specifically empowered to apply for probate or administration. Foreign executors must furnish bonds unless the court dispenses therewith. The court is authorized on the passing of accounts to adjudicate upon complaints of misconduct, neglect or default on the part of the personal representative. An accounting may be ordered at the instance of an interested person. An appeal lies to the Court of Appeal.

Crown Lands.—Because of changes in the Real Property Act the revision of the Provincial Lands Act became necessary. It was re-enacted as the Crown Lands Act, c. 7, administered by the Lands Branch of the Department of Mines and Natural Resources. Dispositions of Crown lands take place under regulations passed by Order in Council with certain reservations to the Crown. School lands under the natural resources agreement are administered as a trust for education.

Lunacy.—This revision (c. 25), long overdue, provides for dealing with unsoundness of mind from any cause, the appointment and change of committee and the administration of estates. Provision is made for an Administrator of Estates of Mentally Incompetent and outlines his duties.

Pharmacy.—C. 33 repeals the existing Act and establishes the Pharmaceutical Association, which has power to examine apprentices and druggists and require an annual fee for shop licence. The sale of medicines, drugs and poisons set out in the schedule, with the exception of patent and proprietary medicines, drugs and poisons for agricultural purposes regulated by Dominion law, and certain other drugs and poisons in general use set out in the schedule to the Act, is placed in the hands of licensed persons. Latitude is given in areas not served by licencees under the Act.

Public Health.—C. 35 sets up a Board of Health, defines its duties and those of the Minister and provides for the making of regulations. The Minister and his officers have authority to enforce the Act and its regulations, with control over the distribution of sera and vaccine. He is authorized to divide the Province into districts, appoint health officers, sanitary inspectors and nurses therein whose powers supersede those locally appointed. In addition, the Act regulates the appointment, duties and dismissal of local health officers. The Board has control over local officials. Full-time health districts may be set up by Order in Council. Objectors are not required to submit to vaccination, but may be quarantined.

Real Property.—C. 38 expedites the bringing of all land under the Act and provides for registrations thereunder. Certificates issued under the Act are of a conclusive nature. A registered lease on mortgaged or encumbered land is not binding on a mortgagee or encumbrancee who has not consented thereto and may not be surrendered without his consent. Postponement of mortgages, mechanics' liens, caveats and judgments in favour of a mortgagee is now provided for. A lease by a mortgagee in possession is declared not binding after three years. The right of distress of a mortgagee is deleted, as it conflicted with existing provisions in the Landlord and Tenant Act. A final order of foreclosure extinguishes the mortgage debt.

Succession Duty.—This revision, c. 42, became necessary by reason of the Privy Council decision in the *Kerr* case that personal property outside the Province belonging to the estate of a deceased resident within the Province was not subject to taxation by the Province. Provision is made for the levying and collection of succession duty on estates, the filing of inventories and appraisal, with provision for reference to the court in case of dispute.

Assessment.—C. 49 is a revision and consolidation of the taxing powers of municipalities. Part I deals with the imposition of taxes by way of assessment, taxation of land and personal property, the levy of business tax based largely on rental values, the poll tax and a statute labour levy. Part II relates to collection of taxes by suit, distress or by sale of land for taxes. Part III contains general provisions for validation of proceedings, limitation of actions, remission of taxes, tax certificates and payments to the Municipal Commissioner.

Debt Adjustment.—The principal Act is amended by c. 9 to include non-resident retired farmers. Applications for title under tax sale require the consent of the Commissioner. Permission to take only one-third of a farmer's crop as a share of crop in any year has been extended to the life of the Act, and a vendor, lessor or mortgagee receiving a share of the crop is required to pay one year's taxes to the extent of the amount he receives less costs of threshing, twine and seed. Provision for payment in grain of a share of crop over a period of years is provided for. The courts have power to deal with terms of redemption where the applicant has a substantial interest in the land but is unable to pay by reason of circumstances beyond his control; this does not apply to new first mortgage loans made after April 1, 1934. The provision restricting the duration of the Act has been repealed.

Electricians' Licence.—The principal Act is amended in c. 11 to extend the provisions to every electrical contractor.

Highway Traffic.—C. 16 makes amendments changing the basis, fees and regulating loads and weights of trucks, registration of vehicles by minors, driving of passenger vehicles, transportation of livestock and fractional year licences.

Hospital Aid.—The principal Act is amended in c. 17 to give municipalities the right to recover hospitalization, medical and burial costs by action.

Insurance.—The principal Act is amended in c. 19 to prohibit traffic in life insurance policies to permit another limited liability clause in fire insurance policies, and to bring all mutual insurance companies under Part XIII of the Act.

Interpretation.—Cc. 20 and 21 bring Remembrance Day and Boxing Day within the term " holiday."

Libel.—C. 23 prohibits libel of a race or creed calculated to cause public disorder and provides for proceedings by injunction in any such case.

Liquor Control.—C. 24 sets up a licensing board to pass on all licences except those of beer waiters and to allow all hotel keepers outside Winnipeg to sell beer by the carton.

Masters and Servants.—C. 26 permits domestic servants on default of payment of wages to have masters committed to gaol and to make goods on premises where their work is performed liable to execution.

Newspapers.—C. 31 prevents the publication of anonymous posters. Commercial bill posters are exempt.

Public Officers.—C. 36 provides that actions against public officers for neglect or default in execution of duty are to be brought within six months after the act complained of. Plaintiff may be required to furnish security for costs.

Sale of Goods.—By c. 39 a licensed grain dealer now acquires title to grain purchased in good faith. Advances made by him in like manner are also protected.

School Attendance.—By c. 40 a truant child may be proceeded against as a juvenile delinquent.

Public Schools.—It is provided by c. 37 that in advertisements for teachers the salary payable is to be stated; fees are to be paid by non-resident pupils; trustees in unorganized territory are to collect the Municipal Commissioner's levy, and trustees are not disqualified if in arrears in municipal taxes.

Minimum Wages.—C. 29 extends the provisions of the principal Act to workers generally employed in factories, warehouses, shops and places of amusement in cities. The Lieutenant-Governor in Council is given power to extend the provisions to portions of the Province not specified in the Act. In prosecutions the onus is on the employer to show that the provisions of the Act have been complied with.

5. NEW BRUNSWICK.

[*Contributed by* H. Lester Smith, Esq., *Clerk of the Executive Council.*]

Acts passed—85 : Public—42 ; Private—43.

Succession Duty.—C. 12 is entitled "An Act Respecting the Duties upon Property Passing and upon Persons to whom Property Passes on Death." This Act, like similar Acts passed in several of the other Provinces this year, was largely the outcome of a decision of the Privy Council in regard to the situs of stocks, viz. that they were taxable where registered ; it being desirable to get the tax at the place of domicile of the deceased. By the provisions of this Act the tax, in the case of property situate in the Province, is upon the property. In the case of the property of a decedent domiciled in the Province, the situs of which is outside the Province, the tax is upon the person who receives the property. In this way the tax is collectable either on or in regard to all property belonging to a decedent domiciled in the Province, except that part of the property not situate in the Province which passes to a non-resident of the Province. In other respects the Act is unchanged except slightly as to procedure with a view to uniformity. No attempt was made to bring about uniformity of rates.

Devolution of Estates.—C. 13 provides that the real property of a decedent, as well as the personal property, is subject to administration and is dealt with by the executor or administrator similarly to personal property. Real estate not distributed to beneficiaries by personal representative within two years of death of deceased shall then vest in beneficiaries without any conveyance from personal representative.

Control of Municipalities.—C. 13 enables the Governor in Council, at any time he considers it advisable so to do, to assume control of the affairs of any municipality. Provision is made for the appointment of municipal inspectors, or in the case of defaulting municipalities, of supervisors.

Minimum Wages.—C. 15, called the Forest Operations Commission Act, provides for the appointment by the Governor in Council of a Commission with power to fix minimum wage scales for the lumber industry.

Marketing.—C. 19 calls for the establishment in New Brunswick of a Marketing Board, whose duty shall be to inquire into, collect information and make recommendations regarding the conditions existing in the agricultural, lumbering, fishing, coal and other natural products industries ; to seek markets, diffuse information, encourage better methods, and generally promote production, marketing and distribution of natural products.

Motor Vehicles.—C. 20 is a consolidation of the Motor Vehicles Act and its amendments. There are a number of minor changes in the law, the most radical being contained in s. 52(1), whereby liability for loss or damage to a guest passenger is abolished.

Automobile Insurance.—C. 21 is New Brunswick's enactment of the uniform automobile insurance law suggested by the Commission on Uniformity of Laws.

Mechanics' Liens.—C. 37 enlarges the time within which a claim for lien may be filed from thirty to sixty days.

6. NOVA SCOTIA.

[*Contributed by* F. F. MATHERS, ESQ., K.C., *Deputy Attorney-General.*]

Acts passed—110: Public—59; Local—37; Private—14.

Gasolene Licensing.—This Act (c. 2) recites that the use of gasolene has become a daily necessity, and that it is therefore desirable in the interests of the sellers and users alike that the distribution and sale thereof shall be regulated.

Every person who sells gasolene or keeps gasolene for sale direct to consumers, called in the Act a "retailer," and every person other than a retailer who sells gasolene or keeps gasolene for sale, called in the Act a "wholesaler," is required to obtain a retailer's licence or a wholesaler's licence.

A retailer is not permitted to sell gasolene or keep gasolene for sale unless the gasolene has been purchased from a wholesaler who holds a wholesaler's licence, or is sold or kept for sale by a wholesaler who is also a retailer.

A wholesaler is not permitted to sell to a consumer at any one time a less quantity of gasolene than forty gallons. A licence is not to be issued unless, in the judgment of the Board of Commissioners of Public Utilities, public convenience and necessity so require.

Licensees must not engage in or carry on any practice which increases unduly, or in the judgment of the said Board might tend to increase unduly, the price of gasolene to the consumer.

Existing contracts or agreements between a wholesaler and a retailer for the purchase or sale of gasolene, or for the purchasing, leasing or lending of any equipment, shall be voidable at the option of the retailer on giving ten days' notice in writing, and if the retailer so requests in said notice the wholesaler must sell, or enter into an agreement to sell, to the retailer the equipment, or at the option of the retailer any part thereof, at such price and on such terms and conditions as may be agreed, or, in default of agreement, as may be fixed by the said Board; where the agreement relating to the purchase or sale of gasolene is embodied in a lease, deed, mortgage or agreement relating to land, it is also voidable at the option of the retailer, but only in so far as the same relates to the purchase or sale of gasolene, and the said Board shall have power on the application of any party to make such adjustments, alterations or changes in, or to cancel any of the other covenants, agreements or provisions in, such lease, deed, mortgage or agreement as the Board deems just and equitable; no action or proceeding by way of foreclosure or otherwise in respect of any such lease, deed, mortgage or agreement relating to land, or in respect of the land, shall be brought by the wholesaler against the retailer without the leave of the said Board.

The said Board is empowered to make such rules and regulations as it may deem necessary or advisable for the purpose of carrying into effect the provisions of the said Act.

The provisions of the Act respecting licensing are not to come into force until such date as the Governor in Council orders and declares by Proclamation.

Fuel Oil Tax.—C. 3 provides that every person who consumes any fuel oil in Nova Scotia for the purpose of heating any building shall pay a tax in respect of such fuel oil at the rate of one cent a gallon. The other provisions of the Act are practically the same as the provisions of the Act of British Columbia on the same subject, which the Judicial Committee of the Privy Council decided was *intra vires* of the Provincial Legislature. The Act is not to come into force until such day as the Governor in Council orders and directs by Proclamation.

Protection of Milk and Cream Producers.—The object of c. 4 is to protect milk and cream producers by requiring that those engaged in buying from producers be licensed and bonded. The Act is not to come into force until such day as the Governor in Council orders and declares by Proclamation.

Persona Designata.—Amending the Interpretation Act, R.S. 1923, c. 1, c. 12 adopts a provision in force in some of the other Provinces to the effect that where, by any statute, judicial or quasi-judicial powers are given to a judge or officer of any court, such judge or officer shall be deemed to exercise such powers in his official capacity, and not as merely *persona designata*.

Taxation of Chain Stores.—C. 16, amending the Provincial Revenue (Corporations) Act, R.S. 1923, c. 16, provides *inter alia* for the payment of a tax on each chain store of an incorporated company.

Illegal Mining of Coal.—C. 20 amends the Mines Act, R.S. 1923, c. 22, with the object of making more effective provision for preventing the mining of coal without a licence or lease from the Crown. For years many persons without any authority whatever have been mining coal, each operation being on a comparatively small scale in mining areas held by others on lease or licence from the Crown, and have been selling this coal largely for domestic use. It was difficult to cope with the situation under the existing law, and drastic provision is made by the amendment with respect to the matter. Every person conveying coal by a vehicle must have in his possession for delivery to the purchaser a certificate showing by what person the coal was mined, and that it was mined from a mine legally operated, and it is made an offence to convey coal without having such certificate. Any peace officer may stop any vehicle containing coal and demand the production of the certificate, and if the certificate is not produced he may take possession of the coal, and if a conviction results the coal is *ipso facto* forfeited to the city, town or municipality in which the coal was taken possession of.

Wills.—It was in effect enacted by s. 15 of the Wills Act that the will of a married woman under which her husband took a greater interest in her property than he would be entitled to in case of her dying intestate, should not be valid unless the same was executed when her husband was not present, and at the time of the execution thereof the married woman declared in the presence of the witnesses thereto that she executed the same of her free will, and without any fear, threat or compulsion, or other undue influence of, from or by her husband, and that in addition thereto such declaration was made before a judge of the Supreme Court or some other functionary specified in the section, and the functionary appended to the will a certificate that the declaration was made, or it was proved by evidence under oath upon the application to admit the will to probate that such declaration was made in the presence of the witnesses as aforesaid. It was felt that this provision had outlived its usefulness, was cumbersome and was to a large extent merely a trap for the unwary practitioner. The amendment (c. 34) repeals s. 15 of the Wills Act, and declares that s. 15 shall be deemed and held not to have applied or to apply to any will of any married woman living at the time of the enactment of the amendment.

7. ONTARIO.

[It is hoped to publish this Summary in the next *Review*.]

8. PRINCE EDWARD ISLAND.

[*Contributed by* W. E. Bentley, Esq., K.C.]

Public Acts—28; Private—11; Total—39.

Conditional Sales of Goods.—C. 3 is the model or uniform Act which had been adopted and recommended by the Conference of Commissioners upon Uniformity of Legislation in Canada. S. 12 of the model Act, which relates to goods affixed to realty and which is being further considered by the Conference, is omitted entirely for the present. The other Provinces which had adopted the model Act are British Columbia, New Brunswick and Nova Scotia.

Distress.—By c. 5 the Distress Act is amended to require a sheriff seizing under an execution to pay arrears of rent before removal of the goods from the premises, provided the amount paid does not exceed the rent for a period equal to three terms or times of payment according as the rent may be payable weekly, monthly or quarterly, or for a year if the terms or times of payment be greater than three months. By s. 3, where the goods distrained belong to some person other than the tenant and his family and dependents, if the owner gives notice of his ownership or title to the landlord before sale under the distress, the landlord must either (*a*) release such property from the distress and proceed only against the property of the tenant and his family and dependents, or (*b*) be limited in the amount for which he might distrain to the amount for which he could, under an Act to regulate the rights and priorities of landlords in assignment and winding-up proceedings, claim a preference or priority in payment if the tenant had made an assignment for the general benefit of creditors.

Farm Credits.—This Act (c. 7) is declared to be enacted to secure the benefit and advantage of Federal legislation having for its purpose the expanding of credit facilities for farmers and the setting up of machinery to facilitate compromises of farmers with their creditors under expeditious bankruptcy or other proceedings. By s. 1 the proposed Federal legislation is declared to have the force of law in the Province as if enacted by the provincial legislature. S. 2 provides for the recording of notices of loans made under the Act, and by s. 3 compromises as to secured and unsecured claims may be made.

Fur Farming and Fur Dealers.—By c. 9 an annual report is required to be made to the Provincial Secretary, showing the number and species of fur-bearing animals (fox, beaver, mink, otter, fisher, martin, sable, musk-rat, skunk, raccoon, weasel, wildcat and bear) in possession, bought, acquired, sold, disposed of, killed or died during each year. Licences may be issued to fur dealers upon application to the Minister and compliance with regulations. Fur dealers are to keep records and make monthly returns. Penalties are provided for violations of the Act or for dealing in furs without a licence.

Highway Traffic.—By c. 12 the Highway Traffic Act, enacted in 1930, was variously amended, including the provision of penalties for negligently splashing pedestrians or other persons. Non-resident defendants in actions for damages arising out of motor-vehicle accidents are required, where insured, to give notice to the Provincial Secretary with particulars of the accident, parties and insurance.

Insurance.—By c. 13, the Insurance Act of 1933 is amended by enlarging the exceptions which, under s. 179, limit the liability of the insurer under an owner's policy or a driver's policy, so as to include as an additional exception "loss or damage to property owned by, or in the care, custody or control of the insured."

Bankruptcy.—By s. 126 of the Bankruptcy Act (Canada) the same consequences shall ensue as to the rights and priorities of the landlord of a bankrupt tenant as would have ensued under the laws of the Province in which the demised premises are situate if the lessee at the time of the receiving order or assignment in bankruptcy had been a person entitled to make and had made an abandonment or a voluntary assignment of his property for the benefit of his creditors under the laws of the Province. By c. 15 the Provincial Act respecting assignments for the benefit of creditors and the Voluntary Winding-up Act are amended by declaring that in the case of a tenant making an assignment for the general benefit of creditors or of a tenant company being wound up under the Voluntary Winding-up Act, the right of the landlord to distrain or to complete a distress shall cease from the date of the assignment or the commencement of the winding-up; but in the distribution of the tenant's property a priority is given to the landlord's claim for rent to an amount not exceeding the value of the distrainable assets of the tenant and not exceeding the rent due and accruing due at such date, for a period equal to three terms or times of payment according as the terms or times of payment may be weekly, monthly or quarterly, or for a period of one year, if the terms or times of payment be more than three months; the landlord having a right to prove as a general creditor for any surplus of rent due at the date of assignment or winding-up over and above the preferred rent, and for any accelerated rent to which he may be entitled under the lease, not exceeding three months' rent. The assignee or liquidator shall pay the landlord rent for the time the premises are actually occupied by the assignee or liquidator after the date of the assignment or the winding-up. The assignee or liquidator may, notwithstanding any contrary provision in the lease, or notwithstanding its termination or expiry at the date of the assignment or winding-up, continue in occupation of the premises for the purposes of liquidation, for thirty days (with an additional thirty days, if necessary). Provision is also made for an assignment of the lease by the assignee or liquidator upon payment of all overdue rent or for the surrender of the premises to the landlord notwithstanding any contrary provision or stipulation in the lease, and for the protection of the rights of sub-tenants in case of an under-lease made prior to the assignment or winding-up.

Marketing of Natural Products.—C. 17 was passed to enable the Province to enjoy the benefit of the Federal Natural Products Marketing Act, 1934. A Provincial Marketing Board is to be established to carry out the provisions of the Act, and to be a body corporate with power to acquire, hold and dispose of property and to co-operate with, and act as agent for, the Dominion Board in the transaction of interprovincial and export business, the provisions of the Dominion Natural Products Marketing Act, when enacted, to apply as if enacted by the Provincial Legislature. "Natural product" is defined as meaning any product of agriculture, or of the forest, sea, lake or river, and any article of food or drink wholly or partly manufactured or derived from any such product.

Old Age Pensions.—C. 18 authorizes the registering in the office of the Prothonotary of the Supreme Court a notice of the granting of a pension with certain particulars and a minute of judgment in the form prescribed in the case of a judgment entered in the Supreme Court. The filing of the notice and minute are to constitute a lien in favour of the Board of Pension Commissioners against the land of the pensioner which may be enforced as a judgment of the Supreme Court.

Forest Fires.—By c. 19 the penalties for violation of the Act to prevent the destruction of woods, forests and other property by fires are increased, and provision is made to compel assistance in extinguishing fires to any woods or other property not situate in a city or corporate town.

Public Schools.—Taxes for the support of public schools, whether imposed in respect of real estate or poll tax, are, by c. 22, declared to constitute a special lien upon the ratepayer's real estate having priority over any claim, lien, privilege or encumbrance of any party except the Crown.

Public Utilities.—By c. 23 a Board of Public Utilities may be constituted by the Lieutenant-Governor in Council, which shall have general supervision of all public utilities, make all necessary examinations and inquiries, keep itself informed as to the compliance by public utilities and have the right to obtain from any public utility all information necessary to enable the Board to fulfil its duties.

Succession Duties.—C. 25 contains provisions to facilitate the collection of succession duties and to prevent the transfer or delivery of any bonds, stocks or shares of a corporation, standing in the name of the deceased, without the consent, in writing, of the Provincial Treasurer to such transfer or delivery.

9. QUEBEC.

[*Contributed by the* HON. MR. JUSTICE FABRE SURVEYER.]

Acts passed—138 : Public Acts—86 ; Private Acts—52.

Lottery.—By c. 6, the Cabinet is authorized to organize a lottery for educational and public charitable purposes provided that a lottery of this kind is not prohibited by a statute of the Parliament of Canada and provided also that the Canadian Government does not organize a lottery in the whole of Canada for similar purposes.

Electricity Rates.—By c. 10, any person who finds that the rates charged by a corporation other than a municipality for delivering electricity are unreasonable, may bring complaint before the Quebec Public Service Commission and designate a person to act as associate member of the Commission. The corporation must be served with the complaint and may also designate an associate member of the Commission. The associate member, in either case, must be a British subject of full age, domiciled in the Province, holding no office or employment inconsistent with his duties, possessing no shares or securities of a public service and interested in no device which may be used for the purpose of a public service. Three members shall constitute a quorum of the Commission. After hearing the parties, the Commission may determine what rates or charges it will henceforth be lawful for the corporation to charge or collect. The procedure to be followed is that fixed by the Public Service Commission Act (R.S., 1925, c. 17).

Succession Duties.—By c. 14, among the dutiable assets of an estate are included life insurance policies affected or appropriated under the provisions of the Husbands and Parents Life Insurance Act, and all other sums due by an insurer, by reason of the death of a person whose life is insured, when they devolve by gratuitous title. The debts and charges existing at the time of the death may, however, be deducted from the proceeds of the insurance policies, in the case where the acceptance of the insurance carries with it the obligation to pay them and up to the amount of such obligation only.

Bicycles and Tricycles.—By c. 15, every bicycle or tricycle operated on a public highway between one hour after sunset and one hour before sunrise must be provided, in front, with a lamp showing a white light or with a reflector of the same colour, approved by the Bureau of Provincial Revenue, and, in rear, with a lamp showing a red light or with a reflector of the same colour, also approved.

Quebec Forest Operations Commission.—A Commission under this name is created by c. 22 (R.S., c. 44a), for the purpose of investigating all matters and facts the knowledge whereof may assist in the performance of its attributions, for which purpose it is to have access to the books and documents of any timber limit holder or contractor. It is appointed by the Cabinet and is to consist of two members, one of whom is president, and a secretary. A temporary secretary may be appointed in the event of the secretary's inability to act. Neither the Commission nor its members, secretary nor the investigators deputed by it is personally responsible for anything done by it or by him in the exercise of its or his functions.

Every timber limit holder or contractor must, before starting forest operations, submit to the Commission a statement containing the following information : (1) wages and salaries of employees, method of calculating same and mode of payment ; hours and duration of work; (2) quantity and quality of food supplied to employees ; (3) price to be charged for all articles or necessaries to employees ; (4) amount to be deducted from salaries for medical or dental attendance, transportation, etc. ; (5) charges, fines, penalties or other deductions from wages or salaries ; (6) every contract or agreement affecting the hiring of employees for forest operations ; (7) conditions of work and methods employed in the forest operations ; (8) all other information respecting forest operations which the Commission may ask for.

The Commission may, of its own initiative, and must if requested by the Minister of Lands and Forests, inquire into the forest operations carried on by a timber limit holder or contractor. It may appoint an investigator for this purpose, who will make a report in writing. Every investigation must be reported by the Commission to the Minister. Witnesses may be summoned to appear before the investigator, who may administer the oath, receive affirmations or declarations, require the attendance of persons and the production of documents, enter any place, building or work used in the carrying out of forest operations and inspect all works, constructions and material used therefor.

Penalties of $200 to $500 may be inflicted, recoverable in the civil courts at the suit of any employee, who may also sue for the difference between the wages received and those declared to the Commission, which must be posted up in each camp. No article may be sold for more than the price mentioned in the statement, under penalty of $5 for each article so sold.

Enforcement of Federal Acts.—By c. 24, the Cabinet is empowered to do all things and make such orders or regulations as it may deem advisable to give effect in the Province to any Act of the Parliament of Canada : (*a*) having as object the marketing of the natural products of Canada, such as the formation of, or the assistance to, a commission for such purpose ; (*b*) respecting bankruptcy and insolvency as regards compromises between creditors and debtors or any other matter within the legislative authority of the Province.

The Act comes into force by proclamation and ceases automatically on the fifteenth day of the session of 1935.

Farm Loans.—By c. 25, an officer, learned in the law, is appointed to act as intermediary between the provincial board and a borrower soliciting a loan from it, to examine and co-ordinate the documents supplied in connexion with the loan required and perform such other duties in the same connexion as the Attorney-General may determine.

Whenever by the terms of a loan the board is authorized to realize upon its security, it may proceed by way of notice to the debtor and petition to the Superior Court for leave to sell the debtor's real estate. The fees of the officers of justice are also reduced.

Dairy Products.—By c. 27, the Cabinet may appoint a Dairy Industry Commission to investigate and study the situation of the dairy industry and the dairy products trade in the Province or elsewhere, and report to the Minister of Agriculture ; to supervise the purchase, conversion, storing and delivery of milk and cream ; to approve, if it deem expedient, agreements respecting the price of milk and cream entered into between suppliers and distributors of dairy products ; to make such agreements obligatory or to annul them ; to fix the price of milk or cream ; to prohibit sales thereof under a certain price ; to take or cause to be taken suits for infringements of this Act. The Commission may appoint investigators. The Cabinet may also, on the recommendation of the Commission and upon the advice of the Director of the Provincial Bureau of Health, make regulations to assure the proper sanitary and hygienic condition of the milk and cream offered for consumption in the Province ; to prohibit the sale in the Province of any milk or cream not meeting such sanitary and hygienic conditions ; to authorize the Commission to issue permits, and to revoke them for cause. These regulations, when in force, supersede any municipal regulations on the same subject.

Women's Minimum Wage.—By c. 30, no male worker may be employed at work which in the opinion of the Commission is ordinarily and by custom executed by women at a salary less than that fixed by an order of the Commission for such work executed by women.

By c. 31, a copy of every decision of the Commission must be posted up by the employer it concerns, in a conspicuous place in his establishment where the female employees affected thereby are working. Every agreement between an employer and employee fixing a lower wage than that established by a decision of the Commission is null. The sale to an employee of any interest in, or of any stock or bond of, an industry or business carried on by his employer is prohibited, unless the weekly wages of such employee be in excess of twenty dollars. Penalties are inflicted upon employees infringing the Act or any Order in Council adopted thereunder.

Municipal or School Corporation Creditors' Agreement.—C. 36 authorizes any municipal or school corporation to make all kinds of agreements with its creditors provided that those agreements be ratified by two-thirds in value of such creditors and approved by the Quebec Municipal Commission. Such agreements are binding upon all the creditors of the category for which it is made. If the by-law of a municipal corporation, or the resolution of a school corporation, contemplates the issue of bonds, it must be approved by the Cabinet.

Public Carriers' Tariff for Trip Rates.—By c. 37, every municipal corporation having a population of thirty thousand souls or over must, within three months from the coming into force of the Act, and every other municipal corporation may, establish and put into force a tariff of trip rates which a public carrier must charge under the jurisdiction of such corporation. The tariff must, within fifteen days after its adoption, be submitted for approval to the Quebec Public Service Commission, which may approve or amend it, and even fix a tariff after notice given to a defaulting municipal corporation. Any public carrier who asks for or charges for a trip a rate other than that fixed by the tariff in force, or any person who refuses a public carrier the rate fixed by the tariff, is liable, in addition to the costs, to a fine not exceeding $10 which belongs to the municipal corporation.

Municipal Tax Exemption.—By c. 38, the Act (R.S., 1925, c. 117) is amended, and no municipal corporation can require a commercial traveller to procure a licence for taking orders or selling goods by sample, catalogue or price list, or for delivering his merchandise, notwithstanding any provision to the contrary in any statute whatsoever; provided that such orders or sales be taken or made with merchants, traders or manufacturers only in the ordinary course of their trade.

Education.—By c. 39, no person, except a minister of religion or a member of a corporation created for education purposes, may open or direct an independent or private school without having previously filed a declaration to that effect with the Superintendent of Education. If complaint be afterwards made respecting such school, the Superintendent may make an investigation and submit a report thereupon to the Council of Education.

By c. 41, a school corporation may, when real estate is sold under the provisions of the Cities and Towns Act, bid for and acquire real estate, through its chairman or other person authorized by it, without being bound to pay the amount of adjudication forthwith. It may also buy real estate at sheriff's sales or similar sales. Its bid must not exceed the amount of the school taxes in principal, interest and costs, with, in addition, a sufficient amount to satisfy any privileged claim of prior or equal rank to that of the school taxes. In the case, however, of a sheriff's or similar sale, the corporation must pay the amount of the adjudication, in the same manner as any other bidder. Real estate so acquired by the school corporation, if not redeemed by the debtor, must be sold, by auction or by private sale, as the corporation may order by resolution, within the year following the expiration of the delay during which redemption may be exercised. The Superintendent may, however, extend such delay at the request of the school corporation for reasons which he deems satisfactory.

Released Prisoners' Farms.—C. 47 provides for the establishment of farms to receive the persons who comply with the conditions fixed by the Cabinet, on their leaving a place of detention or internment, and with their consent. The farms are under the control of officers and employees of the Government.

Physical Contests.—The object of c. 48, as stated in its preamble, is to prevent physical contests that may imperil human life or health or afford a spectacle contrary to morals or public order. Any person who intends to hold physical contests must have a permit granted by the chief of police of the Province or of the municipality, or, failing them, by the mayor. This permit is not granted for a period of more than twelve months, but is renewable at its expiration. It may be revoked at any time by the chief of police, and it must be revoked on the request of the Attorney-General or of the mayor of the municipality. A penalty may be inflicted upon any person who holds physical contests or allows them to be held without a permit, or directly or indirectly aids in the organization or carrying on thereof. Parties having charge of the carrying on of a physical contest who suffer it to be injurious to human health or life, or to morality and public order, or knowingly participate in or attend it, or hold it or allow it to be held, or aid in the organization thereof, are liable to a fine of $200 and costs, and in default of payment, to imprisonment not exceeding two months, and in the case of a subsequent infringement, to two months' imprisonment. Any member of the Provincial or municipal police or any peace officer may enter, at any time, any land or building in order to ascertain whether a prohibited physical contest is held there, and whoever refuses him entrance is liable to a fine of $100 and costs, and, in default of payment, to one month's imprisonment. Any person suspecting that lands or buildings are used for such purposes, may notify, by registered letter, the owner, lessor, lessee or occupant thereof by registered letter, and, if the notice is disregarded, apply, two days from the sending thereof, for an injunction restraining him from using his property for such purposes. Special rules govern the procedure in such cases.

Circulars for Public Meetings.—By c. 51, no person may distribute or cause to be distributed, post up or cause to be posted up, or otherwise make public, a circular in a city or town, unless such circular has been submitted to and approved by the chief of police of the municipality. The person who undertakes the distributing or posting up or making public of such circular must see that the printer or any other person having the making thereof causes to be shown, on some part thereof, the real names, designation and domicile of the printer and of the author, the true description of the place where it was printed or made, and the statement that it has been duly approved by the chief of police or the mayor, as the case may be, of the city or town where it is to be distributed, posted up or made public. The printer, maker or author of every approved circular must be domiciled in the Province. Any infringement of the Act is punishable by a fine not exceeding $100, in addition to costs, and, in default of payment, by imprisonment not exceeding one month. Any member of the Provincial or municipal police may seize and confiscate, in any place whatsoever, any circular distributed, posted up or otherwise made public contrary to the provisions of this Act.

Industrial and Commercial Establishments.—C. 55 amends the Industrial Establishments Act by extending its application to commercial establishments, namely those where merchandise is sold or offered for sale, not including, however, hotels and restaurants or shops in which only members of the same family work. The Cabinet may prohibit entirely the employment of women and girls, as well as of boys under 18 years of age, in certain industrial establishments or parts thereof which it may deem dangerous or harmful to their health. It is forbidden for any employer in any industrial or commercial establishment, for any person carrying on any industry, trade or business, for any owner, tenant or manager of a theatre, cinema, club, amusement hall, arena, hotel or restaurant, for any telegraph company employing messengers, or in the case of printers or agents who distribute advertisements or hand-bills, or for owners of department stores who employ boys or girls as messengers, to employ any boy or girl less than 14 years of age, or of less than 16 years of age if they are unable to read and write fluently and easily. This does not apply to the head of a family who employs his wife or his children in his industry or business, nor to persons employing domestic or farm servants. No boy of less than 18 years of age, and no girl or woman, shall be employed in industrial establishments for more than ten hours in any one day or for more than fifty-five hours in any one week. One hour must be allowed each day for meals, if the inspector so directs, but such hour is not counted as part of the working hours. The day must not commence before six o'clock in the morning nor end after six o'clock at night. In commercial establishments in cities and towns of over ten thousand souls, no boy under 18, girl or woman may work for more than sixty hours a week, apportioned between seven o'clock in the morning and eleven o'clock in the evening except during the two weeks preceding New Year's Day. On the eve of Christmas, New Year's Day and Easter Sunday the working day shall not extend beyond ten o'clock in the evening. The inspector may, for good cause, extend the working hours within certain limits. Penalties are imposed upon those who keep an industrial or commercial establishment in contravention of this Act, or who fail to keep accurate registers of the persons employed, and of their working hours.

Collective Labour Agreements.—By c. 56, the Cabinet may order that a collective labour agreement, made between one or more associations of employees and one or more associations of employers, shall bind all the employees and employers carrying on the same trade or industry within the territorial division determined in the agreement. The only provisions of the agreement which thus become obligatory upon the employees and employers concerned are those respecting rates of wages and hours of labour. Any association of employees or employers a party to a collective labour agreement may send a copy thereof to the Minister of Labour with a petition requesting the Cabinet to pass an Order in Council ratifying same. The Minister will cause notice of the petition to be given in the *Quebec Official Gazette*, and will, during the thirty days following the publication of such notice, receive objections to the request. After that time he may recommend to the Cabinet the approval of the petition. The Order in Council establishing such approval is to be published in the *Quebec Official Gazette*, as also any repeal or amendment thereof. The provisions of a collective labour agreement thus made obligatory govern, in the region fixed, all the individual labour contracts in connexion with the trade or industry contemplated in the agreement. However, in the absence of an express prohibition, individual labour contracts may supersede collective labour agreements when they are to the advantage of the employee. The parties to an obligatory collective labour agreement must form a joint committee charged with supervising and assuring the carrying out thereof. The Minister may add to such committee two delegates designated by employees or employers not parties to the agreement.

Such joint committee, through its delegates, may verify the rates of wages and hours of labour among the employers contemplated by the collective agreement made obligatory, and exercise, for the benefit of each of the employees, all rights of action arising in their favour from a collective agreement made obligatory, without having to prove an assignment of claim from the person concerned. The joint committee may appoint a board of examiners charged with determining the qualifications of workmen or apprentices who benefit from the agreement. The Cabinet may refuse to apply the provisions of this Act to any industry liable, in its opinion, to suffer through their enforcement. Nothing in the Act compels an employer or an employee to become or not to become a member of an association of his industry or trade. The Act does not apply to railway companies which are subject to the jurisdiction of the Parliament of Canada.

Adoption.—By c. 60, a certificate of a judgment of adoption must be transcribed in the duplicate registers of civil status kept for the church, congregation or religious society to which the adopting parents belong, or in the duplicate registers kept, in some cases, by city clerks and justices of the peace in the place of the present or former residence of the adopting parents. Such transcription is equivalent to an act of civil status.

Telegraph and Telephone Companies.—By c. 64, replacing Division 1 of the Telegraph Companies Act (R.S., c. 235), three or more persons of full age may obtain from the Cabinet a charter authorizing them to build a line or lines of electric telegraph, with branches leading to or from the same, from one point to another in the Province. The petition for incorporation must state : (1) the proposed name of the company ; (2) a description of the line or lines of telegraph to be built and the route or routes by which such lines are to pass ; (3) the capital of the company ; (4) the amount of each share ; (5) the names, callings and addresses of the provisional directors ; and (6) the name of the municipality in which the operations of the company are intended to be carried on. The Minister of Public Works may call for any information he may deem expedient in order to satisfy himself of the truth of the facts alleged. On his report, the Cabinet may grant the petitioners a charter of incorporation, dating from the publication of the letters patent in the *Quebec Official Gazette.* No change shall be made in the letters patent without the consent of two-thirds of the shareholders and the approval of the Cabinet.

Any telegraph or telephone association or company organized on or before March 7, 1934, and operating at such date, shall continue to exist notwithstanding the date fixed in the memorandum filed in the office of the Provincial Secretary as being that on which such association or company shall cease to exist. Any such association or company so continued shall cease to exist when the majority of the partners decide, at a meeting regularly called for such purpose, to wind up the business of the association or company.

Forced Sale of Real Estate for Taxes.—By c. 71, the treasurer of a municipal corporation must, each year, prepare and transmit to the clerk thereof a statement indicating the real estate on which taxes due for two years or more have not been paid. Such statements are deposited in the corporation office for inspection. The owner of real estate may petition a judge or magistrate of the district where the land is situated for delay within which to pay his taxes, and the judge or magistrate may give him an additional twelve months and allow arrears to be paid by instalments.

If the sale takes place, it must be effected by public auction at the office of the municipal council after public notice thereof has been given.

Visiting of Houses to Let.—By c. 75, amending the Civil Code, a lessee is only bound to permit the visiting of the leased premises within the thirty days preceding the expiration of the lease, unless otherwise stipulated therein.

10. SASKATCHEWAN.

[*Contributed by* J. P. Runciman, Esq., *Legislative Counsel.*]

Acts passed : Public—65 ; Private—6.

Public Health.—Additions (No. 44) to the Public Health Act provide for a Health Services Board and set forth its duties and powers. The Board is directed to institute inquiries and collect information concerning : (*a*) the needs of the people of Saskatchewan, or any portion thereof, with respect to medical, hospital, nursing, dental and other health services, including drugs and appliances, (*b*) the advisability of providing facilities for a periodical medical examination, (*c*) the operation of the Union Hospital Act, the Hospitals Act, the Tuberculosis Sanatoria and Hospitals Act, the Cancer Commission Act, the Venereal Diseases Act and the provisions of the Rural Municipality Act respecting the employment of physicians, with a view to the economic administration of health services and the prevention of overlapping therein ; and the Board is vested with the following powers, namely : (*a*) to confer with and advise the council of any municipality with respect to the establishment of health services for the residents of the municipality, (*b*) to confer with and advise employers and employees in cities with respect to the establishment of health services for such employees, (*c*) to consider the available health services in outlying and unorganized portions of the Province and make such recommendations to the Lieutenant-Governor in Council as it deems fit respecting the establishment therein of adequate health services, (*d*) to consider methods for an equitable distribution of the costs of illness, (*e*) to recommend to the Lieutenant-Governor in Council the establishment of such temporary health services as it deems necessary in the Province or any portion thereof during any period of economic distress.

Milk Control.—Amendments to the Local Government Board Act by No. 4 bring the production supply, distribution and sale of milk within the jurisdiction of the Local Government Board and confer upon the Board complete powers for the regulation and control of that business, the object being to protect the interests of producers, distributors and consumers.

Succession Duty.—The Succession Duty Act has been extensively amended by No. 6 in order to meet the decision of the Privy Council in *Kerr* v. *Provincial Treasurer of Alberta* and to make it quite clear that duty is payable only with respect to the succession in the Province to property situate outside the Province and not with respect to the property itself.

King's Bench.—A new section was placed in the King's Bench Act by No. 11, authorizing an action by or on behalf of the Attorney-General for the purpose of restraining the publication of any newspaper, publication, pamphlet, magazine, periodical or other printed matter whatsoever which publishes, continuously or repeatedly, writings or articles which are obscene, immoral or otherwise injurious to public morals.

Another amendment provides that where, on an appeal against a judgment, order or decision of a judge of the court, a new trial is ordered, the judge by whom the judgment, order or decision was rendered or pronounced shall not preside at the new trial.

District Courts.—No. 12 provides that where, on an appeal against a judgment, order or decision of a judge of the district court, a new trial is ordered, the judge by whom the judgment, order or decision was rendered or pronounced is not allowed to preside at the new trial.

Actions on Foreign Judgments.—No. 13 is a uniform Act, prepared by the Commissioners on Uniformity of Legislation in Canada. In few of the Provinces is there any statutory law dealing with the enforcement of foreign judgments, and the Act is largely a statement of the existing law taken from reported cases.

Deserted Wives' Maintenance.—In making applications for a maintenance order it is not now necessary (No. 42) to prove that the husband is possessed of sufficient means to support his wife and family.

Consolidation of Taxes.—A new Tax Consolidation and Adjustment Act (No. 30) provides for the consolidation of taxes which are in arrear for two years or more, and for payment of the amount consolidated by instalments, with interest, spread over a period of five years. The optional provisions contained in last year's Act have been dropped, and the new Act applies to all municipalities except cities which submit to the Minister of Municipal Affairs a plan of consolidation which receives his approval. Machinery is provided for bringing under the new Act persons whose taxes were consolidated under last year's Act.

Conditional Sales.—No. 53 provides that where a seller or bailor assigns his interest in a contract of sale or bailment but remains liable for any sums due under the contract in default of payment thereof by the buyer or bailee, and the assignee retakes possession of the goods, he must, within forty-eight hours thereafter, give notice thereof to the assignor, and he is prohibited from selling the goods without first having given to the assignor eight days' notice of the intended sale.

Workmen's Compensation.—The Workmen's Compensation (Accident Fund) Act has been amended by No. 54 to include any process involving the use of or direct contact with acids and alkalis or acids and oils capable of causing dermatitis (venenata).

Minimum Wage.—The Minimum Wage Act applies only to females, but the Minimum Wage Board has been empowered by No. 55, subject to the approval of the Lieutenant-Governor in Council, to issue an order declaring that its provisions shall apply to male employees in any class or classes of shops or factories or in any shop or factory to which the Act applies.

Sale of Beer.—The Plebiscite Act (No. 63) provides for a vote of the electors on the question of the sale of beer by the glass on licensed premises. All intoxicating liquor is at present sold in closed packages from government liquor stores.

II. NEWFOUNDLAND.

[*Contributed by* BRIAN DUNFIELD, ESQ., B.A. (LOND.), K.C., *Secretary for Justice.*]

Some fifty-seven Acts were passed during the calendar year.

It may be observed that, as under the present system of government the Commission of Government is both the legislative and the executive body, and Acts may now be passed at any time instead of only during the session of Parliament as formerly, it has been decided to collect, print and publish the Acts as of each calendar year.

The majority of the Acts of 1934 are of merely local or administrative importance. Notes are appended on such Acts as may be of some general interest.

Statutes.—Act No. 3, amending c. 1 of the Consolidated Statutes (Third Series) entitled "Of the Promulgation and Construction of Statutes," abolishes the practice of entitling and citing Acts by regnal years. As from February 17, 1934, the commencement of Commission Government, Acts will be numbered as "No. —— of 1934," or as the case may be.

Official Secrets.—Up to the present the only provision for the non-disclosure of official secrets was c. 16 of the Consolidated Statutes (Third Series), which bound to secrecy clerks, stenographers, etc., who had taken the oath of secrecy as provided in the chapter. Act No. 5 adopts the more generalized sections of the British Official Secrets Act, but does not adopt those primarily directed to the protection of naval and military information against spies, which are naturally inapplicable in the circumstances of this Colony.

Crown Lands.—Act No. 14 extends the period within which a person who has staked a mineral claim has to cause his boundary lines to be laid out on the ground, by excluding some of the winter months when, by reason of snow, such laying out is impracticable. The Act also gives the Commissioner for Natural Resources power to permit the export of unmanufactured timber from lands held under title from the Crown. This represents a reversal of the general policy of Governments in the past, which was to prohibit the export of unmanufactured timber. There have, however, been other temporary departures in the past from the above-mentioned principle.

Debtors' Relief.—Owing to circumstances, a number of people have had to be employed upon relief works. A system has been adopted of paying over to them immediately one-half their earnings and holding the other half for progressive distribution, in order to make the money last longer. Act No. 18 prevents their creditors from attaching that part of the money which is held back.

Bait Fishes.—It has been a policy of the Colony for nearly half a century to prohibit the export of fishes capable of being used for codfish bait, this action having been taken many years ago with a view to handicapping the competitor fishery of the French based on St. Pierre, whose only ready source of bait at that time was in Newfoundland waters.

Act No. 19 experimentally, and for one year, suspends the restrictions on the export of herring.

Judicature.—Under the law of Newfoundland there has long existed a process whereby a plaintiff immediately upon the issue of writ in the Supreme Court, and upon making a formal affidavit of the merits of his claim, can obtain a preventive attachment in order to prevent the defendant making away with his property before the hearing of the case. It is believed that this process, which is of very old standing, originated in the necessities of the fisheries in early days. The merchant who had advanced supplies for the fishery was thus provided with a process whereby he could prevent the fisherman from disposing of his fish to some other merchant before the claim for debt could he heard, whereby such fish would be merged in the stocks of that other merchant and become indistinguishable and impossible to follow. The process, however, extends to property of any kind as well as to fish. On account of the convenience of this process it had become the practice among solicitors to take in the Supreme Court, where this process is available, a good many actions for sums of money within the jurisdiction of the magistrates. The result was, of course, a higher scale of costs against the defendants. The present short Act (No. 29) prevents a plaintiff from obtaining attachment as of course in relation to a sum under $200 which is within the magistrate's jurisdiction, and requires him to satisfy the registrar that the claim cannot be effectively enforced by proceedings in the lower courts.

Judgment Debts.—Act No. 30 enables inferior courts to order payment of judgment debts by instalments in the case of poor debtors.

Currency.—Act No. 31 repeals the prohibition of the export of gold established by the Currency Act of 1932. It leaves in force, however, the parts of the Act of 1932 which permit banks doing business in Newfoundland to refuse payment in gold.

Act 53 further amends the Currency Act of 1932. That Act prohibited the export of gold save under licence, a provision already repealed by Act No. 31 above, and enabled the banks to issue their own notes as legal tender and refuse gold. The Act was originally temporary, but the present Act repeals the provisions for termination, leaving the provisions that bank-notes be legal tender and for the refusal of payment in gold to operate until further action by the legislature.

Harbours.—Heretofore St. John's and one other port have had Harbour Boards under special Acts. The present Act, No. 34, by leaving the special position in relation to St. John's, provides a uniform system of appointment of Harbour Boards for ports other than St. John's. Harbour Boards of five to seven members are to be appointed by the Commissioner for Public Utilities, who is also to define the limits of ports. The Boards may be given control of public marine works for their ports, and a general power to control the harbours, and to collect limited harbour dues, subject to the Commissioner's approval.

Death Duties.—Act No. 35 introduces a new and somewhat heavier scale of death duties in respect of the assets of persons dying on and after September 1, 1934.

Customs.—Act No. 42 introduces an entirely new customs tariff, which has been drawn up with the assistance of experts lent by H.M. Government in Great Britain. Before the passing of this Act import duties in force consisted of a combination of a customs duty, a special tax on imported goods, imposed under a series of Acts, and an emergency surtax, and as these imposts were calculated upon different bases, the determination of import duty was a troublesome and complicated matter. The present Act combines all charges in a single simple import duty, and makes provision for certain preferential rates, notably a wide preference in favour of British goods.

Act No. 44, among other things, enables the head of the Department of Customs to appoint approved places at which officers of the Customs may board or be landed from vessels, and at which goods may be laden or unladen. This is to facilitate supervision.

Herring Export.—Owing to unrestricted competition in the herring trade and a tendency to over-production, the price of barrelled salt herring has in recent years been unsatisfactory. Act No. 50 endeavours to organize the trade on lines suggested by representatives of the dealers. The Act provides for a Herring Board, the chairman of which will be a

Government fishery officer, and the other members merchants in the trade. Herring may be exported only under licence of the Board. The Board may also control and limit the annual pack, and may, if necessary, act as sole selling agent for herring exported. Quotas may be appointed for individual producers. A Herring Association is also formed for advisory and consultative purposes, and all producers who wish to join may become members of this.

12. BERMUDA.

Acts passed—51.

Motor Vehicles.—No. 1 consolidates and amends the Acts relating to the use of motor-cars and provides for their registration and the licensing of drivers. The use of motor-cars on any public road is prohibited, and any car so used in contravention of the Act is forfeited to the Government to be sold by order of the Colonial Treasurer and the proceeds of sale paid into the Public Treasury. The exceptions to this general prohibition are a limited number of motor vehicles used for municipal work, road rollers or fire engines, a certain number of motor lorries and trucks for government purposes and two motor ambulances.

Trustees.—It is provided by No. 3 that trust moneys may be invested in (*a*) any public funds or government securities of the United Kingdom, (*b*) any Bermuda government securities, (*c*) mortgage of real estate in Bermuda, (*d*) securities of, or guaranteed as to principal and interest by, the Dominion of Canada, (*e*) securities of any British Dominion or Colony guaranteed as to principal and interest by the Government of the United Kingdom and Northern Ireland, (*f*) debentures issued under the authority of s. 2 of the Hamilton Corporation Act, 1910, and s. 10 of the Municipalities Act, 1923, (*g*) such other stocks or securities as the court on petition shall see fit to sanction.

Animals Protection.—If an owner of any animal is convicted for an offence against the Act, the court is enabled by No. 5 to deprive him of the ownership of all or any of the animals in his possession, in addition to any other punishment. Before such an order can be made, however, evidence must be given of a previous conviction, or as to the character of the man that the animal if left with the owner is likely to be exposed to further cruelty.

Bills of Exchange.—No. 8 is a codification of the law relating to bills of exchange, cheques and promissory notes. It follows the English Bills of Exchange Act, 1882, excepting the sections dealing with crossed cheques which are omitted from the Bermuda Act.

Public Service.—No. 13 defines the conditions under which officers in the civil service of the Islands may be granted leave, for the performance of their duties when on leave, for the salary of acting officers and for other matters incidental thereto.

Teachers' Pensions.—No. 17 grants increased pensions to teachers.

Air Base.—No. 18 provides for the establishment of an air base in the Islands, for contributions from the Revenue towards its provision and upkeep, and towards the maintenance of an overseas air service, and for the exemption from duty of all articles imported in connexion therewith.

Bulk Sales.—No. 22 regulates the purchase, sale and transfer of stocks of goods in bulk.

Criminal Law.—No. 27 increases the severity of sentences in cases of rape and other crimes of violence.

Importation of Textiles.—No. 30 provides for the restriction by a quota system of the importation of textiles manufactured in foreign countries.

Dogs Registration.—No. 39 provides for the registration of all pups on attaining the age of three months.

III. COMMONWEALTH OF AUSTRALIA.

[*Contributed by* GEORGE S. KNOWLES, ESQ.]

Acts passed—67.

A considerable number of the Acts passed during 1934 amended Acts already in operation. The Statute Law Revision Act (No. 45) effected the repeal of many obsolete enactments. It is a measure passed for the purpose of cleaning up the Statute Book and paving the way for the issue of the consolidated reprint of Commonwealth Acts now in course of preparation. Two Acts—the Special Annuity Act (No. 64) and the Trans-Pacific Flight Appropriation Act (No. 65)—are concerned with financial assistance in individual cases.

Assistance to States.—The States Grants Act (No. 38) provides for the allocation to the States, upon the basis of population, of the following amounts: New South Wales, £786,000; Victoria, £550,000; Queensland, £286,000; South Australia, £176,000; Western Australia, £133,000; and Tasmania, £69,000. In addition, the following unconditional grants were made to the States during 1934, namely £1,400,000 to South Australia (Act No. 35); £600,000 to Western Australia (Act. No. 36) and £400,000 to Tasmania (Act No. 37).[1]

The Wheat Growers Relief Act (No. 10) provides for the grant of an additional sum of £8,000 to Tasmania. Under the Mandarin Growers Relief Act (No. 27) certain specified amounts are granted to all States except Tasmania, to be applied for the benefit and assistance of growers of mandarins.

The Wheat Growers Relief Act (No. 2) (Act No. 59) grants to each State, by way of financial assistance, such amounts as are necessary to enable payments to be made to wheat growers at the rate of 3*s*. per acre sown with wheat for grain during 1934.[2]

Bounties.—The Raw Cotton Bounty Act (No. 22) supersedes the Cotton Industries Bounty Act, 1930–32, and provides for the payment of a bounty at certain specified rates on raw cotton produced in Australia from Australian-grown seed cotton during the period commencing on the date of the commencement of the Act and ending on November 30, 1939. The rates of bounty on cotton graded higher than the grade known as Strict Good Ordinary are to be determined on a sliding scale basis, according to weekly fluctuations in the Liverpool price of raw cotton, subject to the rate not exceeding a certain maximum amount per pound. The "Liverpool price" is defined to be the official spot quotation of American middling raw cotton at Liverpool.

---

[1] See also Loan Appropriation (Unemployment Relief Act) (No. 66), p. 75.

[2] See also Wheat Bounty Act (No. 60), p. 72.

On and after March 1, 1935, the Wine Export Bounty Act (No. 33) takes the place of the Wine Export Bounty Act, 1930–32. The bounty provided for in the first-mentioned Act will be payable in respect of fortified wine exported from the Commonwealth on or after March 1, 1935, and on or before February 29, 1940. The bounty will be at the rate of 1*s*. 3*d*. for the first two years, and thereafter a reduction of 1*d*. per gallon is to be made in each of the remaining three years during which the bounty will be payable. Provision is made for the fixation by the Minister of a minimum price to be paid for grapes used in the production of wine upon which bounty is payable.

The Wheat Bounty Act (No. 60) grants a bounty of 3*d*. per bushel to the growers of wheat which, during the period commencing on October 1, 1934, and ending on October 31, 1935, or on or before such later date as is prescribed, is sold or delivered for sale.

Customs.—The Customs Act (No. 7) is a general amending Act relating, *inter alia*, to the entry of goods; the importation of copyright goods; the substitution of the term "three nautical miles" for that of "one league"; the prohibition, by means of regulations instead of by proclamations, of the importation and exportation of goods; the exemption from customs control of fish caught by Australian vessels; the conditions relating to the application of the preferential tariff; assemblies for unlawful purposes such as the importation of prohibited imports and smuggling; the rescuing of seized goods; the committing of offenders to gaol in cases where difficulty is experienced in enforcing securities upon which they have been released; and the re-enactment or variation by regulation of proclamations prohibiting the import or export of goods. The substitution of the method of prohibiting the importation or exportation of goods by regulation for that of prohibiting by proclamation gives the Houses of Parliament wider powers in relation to such prohibitions, as either House may disallow a regulation.

The Customs Tariff (New Zealand Preference) (No. 2) provides machinery to give effect to Art. 9 of the trade agreement concluded with New Zealand in 1933.

The Customs Tariff (Exchange Adjustment) Act (No. 3) amends the application of the Customs Tariff (Exchange Adjustment) Act, 1933, to certain goods.

The Customs Tariff (Papua and New Guinea Preference) (No. 4) supersedes existing legislation relating to tariff preferences on goods the produce of Papua or New Guinea. Under the Ottawa Agreement certain products of the British Colonial Empire were to be accorded free admission. The present Act extends the list of Papuan and New Guinea goods in respect of which preferences are granted in conformity with the Agreement.

The Customs Tariff (Canadian Preference) (No. 5) rectifies an anomaly in connexion with certain Canadian goods imported into Australia. Under the Customs Tariff (Canadian Preference), 1931, certain Canadian goods had come under the intermediate tariff. As no intermediate tariff is at present operating, the Customs Tariff (Canadian Preference) (No. 5) specifies certain rates which are equivalent to the rates formerly included in the intermediate tariff.

The Customs Tariff (Primage Duties) (No. 6) gives legislative effect to certain resolutions introduced into Parliament, the principal one of which provided for the reduction of the primage duty from 10 per cent.

to 5 per cent. on goods eligible for admission under the British preferential tariff. The following Acts were passed to validate certain customs tariff proposals which, in view of the dissolution of Parliament in August 1934, would otherwise have elapsed, viz. the Customs Tariff Validation Act (No. 23); the Customs Tariff (Exchange Adjustment) Validation Act (No. 24); and the Customs Tariff (Special Duties) Validation Act (No. 26).

Development.—The Commonwealth and the States of Queensland and Western Australia have agreed to co-operate in the conduct of a geological and geophysical survey of certain areas in the northern parts of Australia and, for the purpose of meeting the cost of the survey, to provide £150,000, of which the Commonwealth is to provide one-half and each of the States mentioned one-quarter. The Northern Australia Survey Act (No. 61) approves of such co-operation and sets up a committee for the purposes of the survey.

Distillation.—Under the Distillation Act (No. 8) Australian wine intended for export may be fortified so as to contain not more than 42 per cent. of proof spirit.

Electoral.—The Commonwealth Electoral Act (No. 9) deals with several important matters to ensure the correctness of the rolls; to require electors to indicate their preferences for all candidates at Senate elections; to meet the case of Senate candidates dying between the date of nomination and polling day; to preserve order at election meetings; and to prevent undue influence by authorized witnesses in connexion with postal voting.

Evidence.—The Evidence Act (No. 43) is designed to facilitate the proof of statistics and abstracts compiled and tabulated by the Commonwealth statistician.

Excise.—The Excise Act (No. 64) empowers the courts to commit offenders to gaol in cases where difficulty is experienced in enforcing securities upon which they have been released. The Excise Tariff Validation Act (No. 25) was passed to validate tariff proposals which, in view of the dissolution of Parliament in August 1934, would otherwise have lapsed.

Finance.—The Budget for 1934–5 contains many proposals for the relief of taxpayers and for the lightening of the burdens of financial emergency legislation of previous years. Effect is given to these proposals in the Financial Relief Act (No. 16). Numerous articles are exempted from sales tax legislation; the reductions of the pensions of wives of incapacitated soldiers have been terminated; the "real" reductions of salaries of public servants, up to £388 per annum, have been restored in full and a partial restoration has been made in the case of salaries above that amount; relief is granted to primary producers to the extent of £250,000 to enable a subsidy of 15*s*. a ton to be paid on fertilizers applied to the soil in the growing of crops other than wheat; and £125,000 is granted as assistance to fruit growers. The National Debt Sinking Fund Act (No. 52) makes a slight amendment in s. 9AA of the principal Act. The Loan Act (No. 17) authorizes the borrowing of £1,050,000 to be spent mainly on post-office works; and the Loan Act (No. 2) authorizes the borrowing of £5,500,000 for additional telephone services and other purposes indicated in appropriations made or to be made by law. Financial assistance to the States and the relief of unemployment are referred to under the headings "Assistance to States" and "Unemployment Relief."

Industrial Arbitration.—The Commonwealth Conciliation and Arbitration Act (No. 54) empowers certain industrial magistrates to adjudicate in cases involving the imposition or recovery of penalties. The Act also authorizes the appointment of inspectors to police awards.

Industrial Property.—The Designs Act (No. 42) deals with the registration of new *or* original designs. Previously the law required designs to be both new and original. The amending Act also dispenses with the requirement as to the marking of certain goods with indications that the design is registered.

Navigation.—The Navigation (Maritime Conventions) Act (No. 49) gives effect to several recent international conventions, including the Convention for the Safety of Life at Sea (1929) and the Load Line Convention (1930). The Colonial Light Dues Collection Act (No. 15) permits of exemptions and remissions being granted and for the making of regulations defining ships affected by the dues.

Public Service.—The Commonwealth Public Service Act (No. 46) relates to the salary rate upon which payment in lieu of furlough is to be calculated and to the permanent appointment of returned soldiers who are suffering from physical defects. The Transferred Officers' Pensions Act (No. 34) provides for the payment of allowances to certain officers transferred from the State Public Service, the rates of whose pensions or retiring allowances are affected by financial emergency measures.

Repatriation.—The Australian Soldiers' Repatriation Act (No. 32) deals primarily with pensions to returned soldiers suffering from pulmonary tuberculosis and with attendants' allowances in the case of blinded soldiers. Other provisions relate to the powers of Repatriation Boards; the granting of arrears of pensions; the continuation of pensions in certain cases; the burden of proof, in the case of accidents resulting in death, that the incapacity of the returned soldier did not contribute to the death; the granting of certain allowances to soldiers suffering loss of vision in one eye; and pensions in the case of soldiers suffering from disabilities in respect of the legs, feet, hands, arms or eyes.

River Murray Waters.—The River Murray Waters Act (No. 11) ratifies and approves an agreement between the Governments of the Commonwealth and of the States of New South Wales, Victoria and South Australia for the further variation of the agreements between those Governments respecting the River Murray, Lake Victoria and other waters. The agreement, *inter alia*, defines the limits of the Hume reservoir and authorizes the construction of a roadway over the Hume dam, five barrages in the channels at the mouth of the River Murray, a diversion weir at Yarrawonga and two weirs in the River Murrumbidgee.

Seat of Government.—The Seat of Government (Administration) Act (No. 67) brings certain lands under the Lands Acquisition Act, 1906–34, and thus permits of their disposal if not required for Commonwealth purposes.

Taxation.—The Income-tax Assessment Act (No. 18) is designed to simplify the administration and collection of income-tax, particularly with regard to shareholders in companies. The measure follows on one of the Reports of the Royal Commission on Taxation appointed in 1932. Included in the Act are provisions relating to the calculation of "tax rebates" in connexion with the assessment of dividends; to the allocation of deductions to different classes of income; to the taxation of private companies; and to the alteration of assessments by the Commissioner. The Income-tax Assessment Act (No. 2) (Act No. 51) limits the application of the fixed deduction of £250 to the calculation of further tax. The Income-tax Act (No. 31) imposes the rates of income-tax for the financial year 1934–5. These rates are, in the main, the same as for the financial year 1933–4.

The Land Tax Assessment Act (No. 14) deals merely with the calculation of the unimproved value of certain Crown leases.

Several Sales Tax Acts were passed during the year. Reference has already been made under the heading of "Finance" to the grant of further exemptions from the payment of the tax. The Sales Tax Procedure Act (No. 53) relates to the procedure for the collection and recovery of sales tax. As doubts had been expressed as to the legality of the existing method, this Act provides a method under which it will not be necessary to indicate in returns and assessments the particular Sales Tax Assessment Act under which the liability to tax arose. The Sales Tax Assessment Act (No. 1) (Act No. 29) is a measure of an administrative nature including within its scope provisions waiving the priority of sales tax over liquidators' fees and costs in the winding-up of companies. The Act also tightens up the penal sections relating to false returns and information. The Sales Tax Assessment Act (No. 2) (Act No. 30) adds certain goods of home manufacture to the category of goods exempt from sales tax.

The Sales Tax Assessment (Fiji Imports) Act (No. 62) may be regarded as a measure to give effect to the spirit of the Ottawa Agreement with regard to preference to Fiji. The Act exempts from sales tax goods produced or manufactured in Fiji which are similar to tax free goods produced or manufactured in Australia.

To implement the proposals of the Government with regard to the financing of the scheme for the relief of wheat growers by the levy of a flour tax of £2 12*s*. 6*d*. per ton, the Flour Tax Assessment Act (No. 2) (No. 55) and the Flour Tax Acts (Nos. 1 to 3) (Acts Nos. 56–58) were enacted. The Assessment Act is practically similar to the Act passed in respect of the flour tax which operated from December 4, 1933, to May 31, 1934. By the Flour Tax Assessment Act (No. 13) certain administrative action in relation to the refund of flour tax was ratified.

Unemployment Relief.—The Loan Appropriation (Unemployment Relief) Act (No. 66) appropriates £1,533,750 for the purposes of Commonwealth and State works and of the assistance of the metalliferous mining in the States and in the Northern Territory.

War Service Homes.—The War Service Homes Act (No. 63) enables the Commissioner to increase advances to home purchasers from £800 to £950. As a result of the War Service Homes (South Australia) Agreement Act (No. 12) the title to war service homes provided by the State Bank of South Australia at the expense of the Commonwealth is transferred from the bank to the Commonwealth War Service Homes Commissioner.

1. NEW SOUTH WALES.

Auctioneers' Licensing.—Act No. 44 enables persons resident in the Federal Territory to obtain general auctioneers' licences in New South Wales. Better provisions are made for issuing licences. It prohibits the holding of "Dutch auctions" by persons other than licensed auctioneers. Persons holding pawn-brokers' licences are precluded from obtaining auctioneers' licences. No auction sales, except of wool, may be held after sunset. It also provides for the issue of a primary products licence, in place of a general auctioneer's licence, in metropolitan markets.

Business Names.—Act No. 50, based on Victorian legislation, is designed to protect the public and to provide for accuracy in the registration of firms and individuals carrying on businesses under business names.

Charitable Collections.—Act No. 59 provides for registration, without charge, of charities appealing for public support. Refusal of registration can be the subject of appeal in the District Court. Registered charities must keep books and accounts as prescribed, and be administered by committees of not less than three persons. The Act renders illegal the conduct of share syndicates in lotteries. Promoters of lotteries and raffles must hand over 50 per cent. of the takings to the charity concerned and promoters of art unions 40 per cent.

Companies (Receiver and Manager).—Act No. 21 appoints the Public Trustee receiver and manager of certain investment companies whose activities were made the subject of a Royal Commission. It provides for the retention of assets in their present condition.

Dentists.—Act No. 10 consolidates and amends the law relating to the registration of dentists. It extends facilities for apprentices to qualify by providing a fund to be used for educational purposes.

Early Closing.—Act No. 40 consolidates the law relating to early closing, and makes further regulations regarding hours of employment in shops.

Farmers' Relief.—Act No. 13, *inter alia*, extends the period within which application may be made for a stay order under the Farmers' Relief Act, 1932–3. It provides that the Federal wheat bounty may be paid directly to a farmer for his own use. Improved working of the farmers' relief scheme is provided for.

Fertilizers.—Act No. 51 repeals the 1904 Act. It regulates the sale and prevents adulteration of fertilizers. It also provides for inspection, analysis and registration of brands of fertilizers.

Flour Acquisition.—Act No. 46 extends the power of the Minister to fix the price of flour and bread for a further period of twelve months.

Gold Clauses (Construction).—Act No. 14 relates to the construction of obligations purporting to require payment in gold, or an amount of money, legal tender in New South Wales, measured thereby. It deals with cases that have arisen owing to the insertion of a "gold clause" in mortgages and similar documents, and permits persons to discharge obligations in the same currency in which they were contracted. The Act is limited to obligations entered into before the commencement of the Act. Persons who have already made payments cannot claim refund.

Government Railways.—Act No. 28 legalizes the sale of land above railway tunnels, the purchasers to hold the freehold title to the surface, while the Commissioners hold the easement for tunnel purposes.

Guardianship of Infants.—The main principle of Act No. 20 is to empower the court to make orders as to the custody of an infant, having regard to the infant's welfare. It gives a measure of equality to each parent with regard to the infant's guardianship. It also provides for cheaper legal procedure for settling questions of guardianship and machinery for enforcing orders.

Housing of the Unemployed.—Act No. 4 constitutes the Homes for Unemployed Trust, which is provided with funds to supply housing for unemployed. The Board will consist of nine members, the Minister being chairman.

Income-tax.—Act No. 17 validates the collection of tax paid by employees during the past six years in respect of the value of board and lodgings. The measure follows on a recent High Court decision.

Lunacy.—Act No. 39 provides for the reception of voluntary patients into mental hospitals.

Marketing of Primary Products.—Act No. 7 is designed to confer additional powers on the Marketing Board without infringing Commonwealth powers. It gives the Board power to form a reserve fund to meet liabilities connected with the pool, instead of making levies. It excepts from operation of the acquisition section of the original Act so much of a commodity as is the subject of trade between the States or as is required by a producer for such purpose.

Meat Industry.—Act No. 48 fixes the amount of capital indebtedness of abattoirs at £800,000. The Commissioner is given complete control of slaughtering within the metropolitan area. Slaughtering or dressing of carcases for human consumption, except at public abattoirs, is prohibited unless the Commissioner consents.

Noxious Insects.—Act No. 22 provides for the declaration of grasshoppers as noxious insects, compulsory notification of grasshopper hatchings and destruction of swarms, and also for the rating of a special levy by pasture protection boards for financing grasshopper control. The measure may be extended to other pests.

Pastures Protection.—New clauses in Act No. 35 enact that Alsatian dogs must be sterilized in certain defined country districts.

Drugs.—Act No. 16 transfers the administration of the Act from the Pharmacy Board to the Chief Secretary's Department. It gives power to apply the Act to certain drugs and preparations not previously included and, if necessary, to remove certain other drugs.

Prickly Pear.—Act No. 24 extends the law to permit of a reduction of capital values and rentals of prickly pear leases, granting to the tenant a right to improvements and lengthening the period of leases.

Printing and Book Purchasers' Protection.—By Act No. 19 persons circulating roneo and other multigraph publications are made subject to the same responsibilities as publishers of newspapers, etc. Firms are required to show name and address on publications.

Public Hospitals.—Act No. 49 redefines the qualification of a hospital subscriber for purposes of voting and nominating. It provides for the election of boards of hospital directors every three years and reduces the number of directors to not less than nine or more than twelve. It places the control of all contribution hospital schemes under a Commission.

Public Service Salaries.—Act No. 3 restores to public servants 20 per cent. of the deductions made in salaries as part of the financial emergency measure.

Registration of Births, Deaths and Marriages.—Act No. 43 gives the Registrar-General greater power to secure proper details for registration. The Registrar-General may inquire for what purpose certificates of births and marriages are required, if the applicant is not the person whose birth or marriage is recorded. It extends, with certain safeguards, the statutory period within which the birth of a child must be registered.

River Murray Waters.—Act No. 31 ratifies variation of the agreement between the Commonwealth, New South Wales, Victoria and South Australia respecting the River Murray.

Royal Commissions.—Act No. 8 amends the Royal Commissions Act and the Companies Act. It gives wider powers to a Royal Commission by making it an offence to remove, alter or destroy books or documents with the intention of preventing their use by the Commission. The Attorney-General is authorized to present a petition for the winding-up of any company, if such is recommended in the report of the Royal Commission.

Rural Bank.—Act No. 56 sets up machinery for the control of a new department, to be known as the Agency Department. Agencies are in two groups: (*a*) those dealing with moneys advanced through the Unemployment Relief Council; (*b*) those dealing with a variety of advances made by other Government departments, mainly home-building and rural advances. The measure appoints the bank as a collecting agency for the purpose of co-ordinating collections and the administration of funds. Several amendments of a machinery nature are made to the main Act.

Special Income and Wages Tax.—Act No. 17 amends the 1933 Act according to the recommendations of the Taxation Investigation Committee. *Inter alia*, it gives effect to the agreement between Victoria and New South Wales to avoid double taxation on property income such as interests, rents and dividends. It provides definitely for decision on questions of domicile. It confers discretionary power on the Commissioner to deal with arrears of taxation in a more liberal manner.

Local Government.—The Sydney Corporation Amendment Act, No. 9, alters the law relating to qualifications of citizens. A "lodger" or "occupier" with twelve months' residential qualification paying either 10*s*. per week rent or 25*s*. per week board and lodging will have a right to vote. Franchise is conferred upon owners, ratepaying lessees, occupiers and returned soldiers and sailors. Provision is made for the collection of two rolls—(*a*) citizens and (*b*) ratepayers. Part XI provides for audit of accounts by the Auditor-General, and important financial provisions are made with regard to loans and overdrafts.

2. QUEENSLAND.

[*Contributed by* J. E. BROADBENT, ESQ., I.S.O., *Parliamentary Draftsman.*]

Acts passed—42.

The Queensland session of Parliament for 1934 commenced on August 28, 1934, and ended on November 28, 1934.

Insurance.—Act No. 40 permits certain insurance companies to carry on life insurance business in Queensland, subject to the approval of the Governor in Council, and also to the grant of the necessary licence and the observance of conditions in regard thereto.

Workers' Compensation.—Act No. 39 definitely fixes the amount of compensation payable on the death of a worker who leaves dependents at £600, irrespective of the rate of weekly earnings prior to his death. The age of children dependents is increased from 14 years to 16 years of age.

Commonwealth and States Soldier Settlement.—Act No. 15 validates an agreement made between the Commonwealth and the States in regard to soldier settlement loans; liberalizing interest charges, reducing capital indebtedness. The measure also makes the constitution of the Loan Council and representation thereon more definite.

Rural Assistance Board and Agricultural Bank.—The object of Act No. 30 is twofold: (*a*) creation of a rural assistance Board; (*b*) liberalizes the Agricultural Bank, thereby assisting the farming and grazing community.

The Rural Assistance Board will have advisory powers as to loans under the Agricultural Bank Acts, Discharged Soldier Settlement Acts, and loans under the Unemployment Relief Acts, and also as to recommendatory powers as to grant of relief to farmers and others. The Bank will have power to make advances to Commodity Boards on approved securities. Maximum advances to farmers are extended from £1,700 to £1,800. The time limit for special advances has been excluded from the measure and such advances will be subject to the same basis as general advances. Loans may be approved up to £30 for purchase of grass and fodder, and for purchase of pineapple and banana suckers. Advance to graziers for purchase of beef cattle is extended from £300 to £500.

Annual instalments are allowed to borrowers instead of half-yearly payments in respect of certain seasonal industries.

Stallions Registration.—Act No. 24 exempts from compulsory registration certain blood or trotting horses. A penalty is fixed for using unsound stallions or stallions of not approved standard for stud purposes, but the measure allows an owner to use stallions of not approved standard for his own mares up to June 30, 1935.

Fruit Marketing.—The principal Act would have expired at the end of 1934. Act No. 23 provides machinery whereby this measure passed in the interest of fruit growers may be extended for a further term of five years.

Dairy Produce.—Act No. 11 provides that the approval of the Governor in Council shall be obtained in respect of the erection of new premises or new machinery for the pasteurization of cream or for the manufacture of butter or for the manufacture of cheese. Agencies are also supervised. The measure provides that a director or manager of any company or association, which company or association controls or conducts a factory, and any other person in the employ thereof shall not accept any agency or receive commission in respect of building or erection of dairy premises, or plant, or insurance thereof, or sale or purchase of products, machinery, etc., or the insuring of the produce of any dairy produce premises, except with the approval of such company or association. Proper records must be kept; moreover, the Minister shall have power to cancel any such approval without assigning any reason therefor.

Primary Producers' Co-operative Associations.—Act No. 5 widens the restrictions of the principal Act in that suppliers who are required to supply their commodity to a Pool Board or to the Wheat Board may be deemed "wet" suppliers for the purposes of the formation of a Primary Producers' Co-operative Association. An association may also refuse to take cognizance of certain orders, and if it takes such cognizance, may charge a commission for its work.

Sugar Experiment Stations.—Act No. 4 establishes a Sugar Experiment Stations Advisory Board for the purpose of assisting in the improvement and development of the sugar industry. The Board will consist of six members appointed by the Governor in Council as follows: (*a*) two Government representatives, namely the Minister for Agriculture and the Director of Sugar Experiment Stations; (*b*) two representatives of growers of sugar-cane—one to represent growers supplying to mills north of Mackay, and one to represent those supplying to mills in the Mackay district and south thereof; (*c*) two representatives of manufacturers of cane-sugar. The duties and responsibilities of the Board will be in an advisory capacity.

The object of Act No. 26 is to provide funds to be used in the eradication of rats infesting canefields, thereby causing the spread of Weil's disease, particularly among cane workers. The Minister may, on the recommendation of the Commissioner of Public Health in any year, make an assessment not exceeding threepence on every ton of sugar-cane grown in an approved area and received at an approved sugar works. The owner of the sugar works is responsible in the first place for payment of the full amount of the assessment; but liability therefor is in the following proportions—owner, two-thirds; grower, one-third. The owner may deduct the growers' proportion of assessment from any moneys due by him to the grower.

Aboriginals' Protection.—Act No. 38 confers greater powers on the protector and also further control in respect of aboriginals and half-castes with a view to their further protection and betterment.

Special attention is given to the health of aboriginals and as to measures dealing with prevention of contagious diseases. Wide powers are given with the object of preventing traffic in aboriginal women and half-castes. The consent of the protector is required in connexion with the making of wills or deeds of gift by aboriginals or half-castes. Protection is also given against debts. Pleas of guilty by aboriginals are not acceptable unless on the advice of the protector, who will satisfy the court that the aboriginal understands the nature of the plea. Provision is also made for the constitution of an Aboriginal Industries Board which takes over the business acquired some years ago from the Papuan Industries, Ltd. This Board will be a proper trading corporation and will exercise its powers subject to the Minister. Further regulation-making power is given in respect of the welfare of aboriginals and half-castes generally.

Town Planning.—Act No. 19, *inter alia*, enables local authorities to make or adopt town-planning schemes subject to a course of procedure laid down in the Act. A scheme is to be preceded by a civic survey and opportunity is given for the consideration of objections. Provision is also made for amending a scheme and also for appeals by dissatisfied persons. Provision is made for resumptions and compensation in regard to the scheme. Regulations may be made to give effect to the Act.

Main Roads.—Act No. 36 in the main will relieve local authorities of a portion of their financial responsibilities in respect of main and other roads. It will also assist in the direction of tourist facilities and also in the assistance of mining and other State development. The measure hence provides for a declaration of secondary and mining access roads and tourist tracks. A secondary road will be a feeder to highways; a mining access road will be a road to a mining area. There will be power of resumption where necessary on just terms in the exercise of the powers regarding tourist facilities. Equitable terms of financial arrangements between local authorities and the Commissioner are also provided.

State Advances.—Act No. 16 will greatly facilitate opportunities to persons desirous of building homes. An applicant with a salary of £750 per annum (excluding parities) will be eligible to secure an advance. Previously £416 per annum was the maximum income. The maximum amount to be advanced in respect of a wooden building is £1,000, and in the case of a concrete or brick dwelling £1,250. Previously £800 was the maximum of advance. Special cases are made with a man who has three children and owns a block of unencumbered land. He can obtain an advance up to £500 on the basis of 18*s*. in the £.

Arrears of interest and redemption are funded. Contracts of sale under the Workers' Homes Acts, and mortgages under the State Advances section are extended to ten years (inclusive of extension previously allowed). Existing mortgages and contracts of sale shall as from January 1, 1935, pay 4 per cent. instead of 5 per cent. New applications as from January 1, 1935, for loans will be charged 4 per cent., which percentage shall remain during their contract. The rate of interest may be varied subsequently, but there will be no variation in respect of then existing mortgages.

Electric Light and Power.—Act No. 20 widens the scope of the Inquiry Board appointed under the amending Act of 1933 in respect of an inquiry concerning the prices to be charged by an electric authority for electricity supplied to public lamps. It sets forth a schedule in respect of the inquiry into the price or charges of electricity which schedule will serve as a guidance to the Board of Inquiry or on appeal by the Industrial Court. The schedule may be amended from time to time. Electric authorities in any bill of account for electricity sent by it to a consumer shall indicate therein the previous and present meter reading. Retrospective operation of the Act is to include the inquiry made by the persons constituting the present Board.

Distress.—Act No. 33 is to take effect on proclamation. It is provided that subject to the Act no person shall distrain or levy for rent due in respect of any premises the goods and chattels of any person save the goods and chattels of the tenant or person in possession of the premises in respect of which the rent has accrued due and being the goods and chattels of the person against whom distraint may issue under the Act and not the goods and chattels of any other person. However, goods and chattels of a tenant or person in possession the subject of a hire-purchase agreement are deemed his property and liable to distraint unless the owner of the hire-purchase goods has notified the person distraining of the hire-purchase agreement. Certain procedure must be followed before distraint can issue. The landlord must give notice to the tenant ; the tenant has fourteen days to apply to the court for relief, but if the tenant takes no action to seek relief distress may issue. If the tenant seeks relief the court may postpone the distress for six weeks, but may order prescribed instalments of rent payments. The court may in its discretion refuse relief. During the period of notice and other period ordered by the court no person shall without permission of the landlord remove any goods and chattels which otherwise would have been liable to distraint.

As to hire-purchase goods, the owner of the goods, when a distress is made against the tenant hirer, may at any time before the date of sale deliver a notice to the landlord stating that the goods or part are subject to a hire-purchase agreement and also setting out the amount unpaid. If there are sufficient other goods on which distress may lawfully issue, hire-purchase goods shall not be distrained ; if there is not sufficient of such goods, the hire-purchase goods may be sold and the proceeds applied as follows : (*a*) in payment of costs of distraint and sale, (*b*) in payment to the owner of the balance due on the hire-purchase goods, (*c*) in satisfaction of the amount due to the landlord and the balance (if any) to the tenant. A duty is cast on the tenant to notify the landlord who has levied distress on hire-purchase goods.

Persons distraining otherwise than in accordance with this Act are guilty of an illegal distress and also of an offence. Contracting out is prohibited, and the usual machinery clauses are inserted similar to the Hire Purchase Agreement Acts to give effect to the measure.

Opportunity was also taken to amend the Hire Purchase Agreement Act of 1933, whereby the definition of a hire-purchase agreement is considerably widened, chiefly with the object of bringing into its provisions hiring agreements which are in the nature of a perpetual lease, *i.e.* where the property at no time legally passes to the hirer. It is considered that agreements of that nature should come under the Act.

The Money Lenders Act is also amended in the direction of tightening up the provisions regarding procuration fees. Provision is now made to regulate valuation charges and other fees (including collection fees). Moreover any lender can have any fees in respect of the procuring negotiating or obtaining a loan reviewed by the court, whether the loan was made before, on or after the passing of this Act, and the court may make any order it thinks fit under the circumstances.

Jury.—The Jury Act of 1929 provided for the general qualification of jurors, who were required to be electors, and also householders. But that Act instituted the special jury, which prescribed that civil trials should be held before jurors who were special jurors, *i.e.* a limited class. When Act No. 37 comes into force, the special jury will be abolished, and civil and criminal trials will be held by the same general class of jurors, namely, electors who are householders as defined. The Act has been proclaimed in force from June 1, 1935.

Land.—Act No. 31 amends the principal Act and other Acts mainly in the direction of affording further relief to settlers. The Act in the first place allows the Minister to construct roads serving lands open for selection and with power to regulate the traffic thereon. A new tenure is prescribed, namely "forest grazing leases." Whenever it is desired to lease the grazing rights of any land contained in a State forest or timber reserve whilst retaining and developing the land for forestry purposes, the Minister may on the recommendation of the Forestry Board declare any such land open for forest grazing lease. These leases will be subject to certain developmental conditions, prescribed timber obligations and duty to prevent fires. The lessee on determination of his lease shall not be entitled to payment for improvements, but will have the right to remove fencing or structural improvements effected by him upon the land upon payment of his Crown dues. Perpetual leases may be issued without competition to any person or company proposing to effect upon the land substantial improvements for any manufacturing or industrial enterprise calculated to give employment. The power of trustees to mortgage their land is extended to such other purposes as the Governor in Council may determine, either generally or in any particular case. In the 1927 Act power to acquire additional areas was limited to contiguous or adjacent holdings—this measure extends the concession to areas including "neighbouring land." Extension of relief provisions in respect of rent reduction of certain preferential pastoral holdings or stud holdings or grazing selections is granted for another year.

In regard to prickly pear land, the court will determine rentals and other matters. In regard to irrigation areas, the rent for the second year of land other than irrigable land is fixed at peppercorn. In such areas land may be opened up on prickly pear tenure. In regard to discharged soldier settlement lands, the corporation of the Agricultural Bank will act as attorney for the Minister and perform all acts on his behalf excepting the act of forfeiture. In regard to rabbit districts, part of a district may be excluded. Regulations may be made to give effect to this comprehensive measure.

The Land Acts (Crown Dues) Relief Act, No. 27, is also a relief Act. Any selector or lessee (other than the selector of a grazing selection or lessee of pastoral holding or lessee of town or suburban land) whose Crown dues are in arrears for two years may apply for relief in respect thereof. The Board will make inquiry and the decision shall receive final approval by the Governor in Council. The relief may be: suspension of payment of arrears or capitalization thereof and readjustment, remission of penalties, extension of period of Crown mortgage, adjustment or writing down of Crown dues likely to be beyond the reasonable capacity of the selector or lessee concerned to pay having regard to the productive capacity of his land, and any other prescribed relief. The measure may be extended to any selector of a grazing selection who pursuant to the Land Acts is entitled to use the whole or part of his selection for agricultural, dairying, orchard or general farming purposes. Crown dues are defined as annual rents or instalments of survey fees due to the Crown or amounts due to the Crown under any mortgage or charge relating to wire, wire-netting or water facilities or under any agreement relating to the purchase of improvements from the Crown.

Sandalwood.—The object of Act No. 18 is to protect the sandalwood industry of this State, to preserve its sandalwood, and for that purpose to supplement the provisions of the existing law relating to timber. The Act makes it an offence for any unlicensed person (excepting persons exempted) to cut sandalwood on Crown land or private land. Licences are issuable by the Commissioner. Licences over private lands must have the consent of the owner thereof. Licensees cutting on Crown lands may be required to sell the sandalwood to the Forestry Board. Certain restrictions obtain as to the quantity to be cut on private lands. The measure contains the usual machinery and regulation provisions.

Industrial Conciliation and Arbitration.—Act No. 10 deals with the relation of the arbitration court and government employees. S. 81 of the existing Act provided that "Nothing in the Arbitration Act shall prejudice or affect the provisions of the Financial Emergency Acts or the Salaries Acts." This measure provides, however, that nothing in the last mentioned Acts or Orders in Council shall prejudice or affect the Arbitration Act or any award made after October 1, 1934, in respect of government employees and in the making of any such award the provisions of such Acts and orders shall be disregarded. Hence a power is given for governmental employees to seek an award of the court whatever salary they might be getting. However, the provisions of the Financial Emergency Acts or Salaries Acts and Orders are not affected in respect of officers receiving a salary exceeding £500 or over. These Acts and Orders therefore still apply in such last-mentioned cases.

Railways.—Act No. 25 restores the right of appeal to the Appeal Board of railway employees in regard to promotions. The measure provides that when any vacancy occurs in any branch of the railway service not open for competitive examination, it shall be filled if possible by the promotion of the most suitable employee next in rank, position or grade to the vacant office if he applies for the same. For the purpose of these provisions the appointment to a vacancy of an employee who voluntarily relinquishes a higher position shall be considered as promotion. No employee shall be passed over unless the head of the branch concerned, in writing, advises the Commissioner of his reasons for so doing. Any employee who was an unsuccessful applicant for the vacant office shall have the right of appeal to the Appeal Board against any appointment herein. The Appeal Board consists of a police magistrate appointed by the Governor in Council, five employees—employees' representatives—who shall be elected for each of the divisions of the State, and in each division an officer is to be designated in that behalf by the Commissioner either generally or for the purposes of any particular case. The police magistrate is chairman. Employees in railway refreshment rooms are employees within the meaning of the Railway Act. Provision is also made in regard to damage, or unlawful possession of railway tarpaulins.

Apprentices and Minors.—Act No. 34 makes several amendments in the principal Act. Upon conviction of a person taking a premium contrary to the Act the court may order the offender to repay it. Offences under this section may be instituted one year after the commission of the offence or six months after discovery thereof. The period of apprenticeship is to be specified by the Executive, but is not to exceed five years unless the Executive otherwise determines. The period for sickness allowance is extended from one week to two weeks in a year. Travelling and other allowances are extended to include work performed under extraordinary conditions and dirt money. The principal Act provided for a scheme of junior journeymen whereby an apprentice on completing his indentures was styled a junior journeyman and was paid a limited wage for eighteen months. This Act repeals that section and provides that every apprentice shall on completing the full period of training prescribed by his indenture unless otherwise determined by the group committee concerned be paid the rate prescribed for journeymen by the industrial award for the trade or industry in which he is engaged.

Motor Spirit Vendors.—A High Court judgment in 1934 decided that the principal Act so far as it interfered with interstate trade was an infringement of the Commonwealth constitution. This amending Act, No. 35, makes it definite that the measure is concerned with intra-state trade only. A certificate of exemption may issue in any case where a licensee is unable to obtain the whole or only part of the power alcohol necessary to comply with his licence. Provision is definitely made that the Act shall be read subject to the Commonwealth constitution, and so as not to exceed the legislative power of the State.

3. SOUTH AUSTRALIA.

[*Contributed by* E. L. BEAN, ESQ., M.A. (OXON.), LL.B., *Parliamentary Draftsman.*]

The Parliament of South Australia enacted some 950 pages of statutes during the session of 1934. Approximately one-half of this legislation consisted of Acts for the improvement of the form of the statute law. Of the remainder, laws for the regulation and assistance of primary producers formed the most important part. The usual annual financial and administrative Acts, and some minor enactments on miscellaneous topics complete the picture.

Statute Law Revision.—The year 1934 witnessed the inauguration of a considered plan for a general revision of the statute law, as a preliminary to reprinting a new edition of all the Acts of the State. The plan put shortly is as follows: (*a*) Those Acts which owing to archaic language, complex amendments or changed conditions cannot conveniently be reprinted in their present form are to be consolidated by consolidating Bills passed through Parliament in the usual manner. (*b*) Those Acts which, though not needing to be consolidated, have been amended, will be reprinted with the amendments incorporated in the text in the same manner as many Acts have been reprinted in the past under the Amendments Incorporation Act, 1914. If any Act requires further amendment for the purpose of removing obsolete references, correcting clerical errors or omitting obsolete provisions, it will be amended by a Statute Law Revision Act and reprinted as so amended. (*c*) Acts which are satisfactory in style and form and have not been amended and require no revision, will be reprinted as they stand. There is no attempt to do what was done in Victoria, where Parliament re-enacted the whole of the statute law in one year. In this State the Acts will merely be reprinted after a somewhat intensive use of the ordinary procedures for consolidating the law, and for reprinting Acts with amendments incorporated. The authority for the reprint is to be found in the Acts Republication Act (No. 2167).

The Statute Law Revision Act, No. 2168, repeals 500 obsolete Acts, and makes some hundreds of minor amendments to other Acts. The amendments are for the purpose of omitting obsolete provisions, altering obsolete references and correcting clerical errors.

Consolidating Acts.—A great deal was achieved in 1934 in the way of consolidation. The laws relating to the Constitution of the State, Road Traffic, Employers Liability, Appraisers, Auction Sales, Hawkers and Stock and Poultry Diseases were consolidated. A very large amending and consolidating Local Government Act was passed. This Act deals comprehensively with the law relating to municipal corporations and district councils, which formerly was contained in two series of Acts and harboured many irrational distinctions between the duties and liabilities of these two kinds of local governing bodies. As far as possible a uniform code for both municipal and district councils has been adopted in the new Act; but, since the law relating to municipal corporations must contain special provisions to deal with large cities and towns, complete uniformity is impossible.

Companies.—Another large consolidating and amending Act was the Companies Act, No. 2196, which incorporates the most recent enactments in the United Kingdom on the subject of companies and adopts principles which have been agreed upon between the States of Australia as a basis for a company law uniform throughout the Commonwealth.

Dairy Produce.—Act No. 2166 provides machinery for carrying out in South Australia the Australian-wide plan for securing a home consumption price for butter and cheese. The plan is that every manufacturer of butter or cheese pays to a Controlling Committee a levy on all butter and cheese manufactured by him; the produce of the levy is used to pay a bonus on all butter and cheese exported; and by the operation of economic forces the price of butter and cheese consumed in Australia rises so as to equal approximately the export price plus the export bonus. Thus if a levy of threepence per pound of butter is sufficient to pay an export bonus of sixpence, the net effect is to raise the price of all butter sixpence a pound, and thus give to the producer an additional threepence a pound out of the pocket of the Australian consumer. This is the scheme; but the strange thing about it is that none of the details appears in the Act. All the Act says is that a manufacturer cannot sell locally more than a fixed quota of his products, and therefore must export the balance. Not a word is said about paying levies. But, in practice, manufacturers (many of them are small dairy farmers) cannot observe the quota; and the understanding is that no one will prosecute them for failing to do so, so long as they pay the levies and acquiesce in the payment of the export bounty. Probably the whole scheme is unconstitutional, since it is a means whereby the State enacts an excise duty on butter and cheese, a form of taxation forbidden to the State by the Constitution.

Margarine.—Act No. 2163 is also to protect the butter and cheese industry. It restricts the manufacturer of margarine in several ways. He cannot use butter in the manufacture of his product; he must clearly label every box or package of margarine with the word "margarine" in thirty-point capitals; and a restaurant-keeper must placard his walls with a notice that he is serving margarine to his customers, if that is the fact. Margarine factories must be registered. The use of any word formed from the word butter—for example "butterine" or "butterette"—in connexion with margarine is forbidden.

Alsatian Dogs.—Act No. 2189 was passed at the instance of pastoralists who complained of the ravages of the Alsatian dog among their sheep. It provides that no one may keep any Alsatian dog in parts of the State to be specified by proclamation; and that any person may kill an Alsatian dog found in any prohibited area. Even in an area where Alsatians may lawfully be kept, there is a tax of £2 per dog per annum.

Tobacco Industry Protection.—Act No. 2174 protects tobacco growers against the spread of the disease called blue mould by requiring the destruction of all unharvested tobacco plants or parts of plants, forthwith after harvest, and by controlling the sale of seed.

Dried Fruits.—Act No. 2181 is a consolidating and amending Act for improving the legislative machinery for securing a fixed home consumption price for dried fruit. The general principle of the Act is that a Board regulates the amount of fruit which can be sold in the State and compels the export overseas of the balance, except that which is required for consumption in other States. This latter fruit is controlled by the Commonwealth under laws regulating interstate trade. The Board registers growers, dealers and packers, and has sufficient control over the trade generally to control the local price, although specific provisions for price fixing are not contained in the Act.

Noxious Insects.—Act No. 2193 was passed to deal with the plagues of grasshoppers which from time to time do much damage in the cereal crops of South Australia. The Act empowers district and municipal councils to give directions to landholders to take any measures prescribed for destroying grasshoppers and penalizes a landholder who neglects to comply with any such direction. The Government is empowered to subsidize councils to assist them in destroying the insects; and the Government itself is authorized to expend public moneys in measures for such destruction.

Fruit and Vegetables Grading.—Act No. 2192 enables the Government to prescribe standards for any fruits or vegetables and to forbid the sale of any fruit or vegetables which do not comply with the prescribed standard. The "standards" prescribed may be any of the following attributes—namely size, shape, weight, flavour, maturity, ripeness or decay.

Bills of Sale.—The main object of Act No. 2187 is to permit farmers to give bills of sale by way of security over crops to be grown by them. Under the Bills of Sale Act, 1886, it is only an actually growing crop that can be mortgaged in this way. An assignment of a future crop merely operates as a contract to assign the crop when it comes into existence; the rights conferred by such a contract can be defeated if the crop is subsequently assigned in contravention of that contract. By the Act the assignment of a future crop passes to the assignee the legal and equitable ownership of the crop, subject only to the rights of *bona fide* purchaser or mortgagee of the land on which the crop is growing.

Taxation.—Act No. 2176, besides re-enacting the usual annual taxes, provides for the constitution of Land Valuation Boards throughout the State to review the assessments of the value of land made for the purpose of land tax.

Another provision of this Act empowers the Auditor-General to examine any documents in the office of the Commissioner of Taxes. Hitherto the law has been that the Commissioner must keep taxpayers' assessments secret, even from the Auditor-General.

Police.—Act No. 2186 contains several small though interesting amendments of the Police Act, 1916. By s. 4, courts of summary jurisdiction are empowered to order a person convicted of being drunk in a public place to pay the costs of arresting him, transporting him to a police station and medically examining him. For many years persons convicted of drunkenness had been ordered to repay to the police the costs of transporting them to the police station; but a magistrate recently held there was no power to make such orders, and the aid of Parliament was invoked.

S. 9 adopts a provision contained in the English Debtors Act, 1869, penalizing fraud other than false pretences.

S. 10 makes it an offence, punishable summarily, to make false reports to the police respecting the commission of crime or acts demanding police inquiry. Such conduct was previously indictable as a common law misdemeanour; but in view of the prevalence of the offence in this State, it was expedient to define it more exactly, and give the police courts jurisdiction in the matter.

Lottery and Gaming.—Act No. 2159 legalizes betting by and with bookmakers at coursing meetings. Another Act dealing with betting (No. 2188) increases the number of days on which the totalizator can be used at metropolitan race meetings, and allows the totalizator to be used at trotting meetings. It also contains stringent provisions to prevent minors from betting with bookmakers upon registered betting premises.

Dangerous Drugs.—Act No. 2180 gives effect to the Conventions promulgated by the League of Nations in 1925 and 1931 on the subject of the traffic in narcotic drugs. It contains provisions on the lines laid down in the Convention to restrict the use of such drugs to medical and scientific purposes.

4. TASMANIA.

[*Contributed by* H. J. SOLOMON, ESQ., B.A., LL.B.]

The session of 25 Geo. V was largely occupied with further consolidation Acts, in preparation for the issue of the Consolidated Statutes of Tasmania, which it is hoped will soon be complete. Among the more important Acts consolidated were the following: Constitution, Fatal

Accidents, Guardianship of Infants, Local Government (consolidation of amendments, which are most voluminous), Prescription, Powers of Attorney and Weights and Measures.

The following statutes are also worthy of mention :

Cremation.—Act No. 23 regulates the erection of crematoria, and authorizes the Governor to make regulations dealing with the subject. This question has received a certain amount of opposition in Tasmania, the most interesting criticism, from a legal point of view, being the possible effect upon the administration of criminal law by possible destroying of the evidence in cases where suspicion subsequently arises as to the cause of death.

Soldier Settlement.—Act No. 17 adopts an agreement between the Commonwealth and the various States relating to the taking over by the Commonwealth of the State debts relative to the settling on the land of returned soldiers and also varying Clause 3 of Part I of the Financial Agreement of 1927 (consolidation of the Australian Loan Council).

Fruit Board.—Act No. 49 establishes a Board to the expenses of which all fruit growers must contribute, and with power to engage in any business in relation to the shipping or marketing of fruit or to act as agent for fruit growers for that purpose. It may control the fruit trade by regulation. This Act repeals the old Codlin Moth Acts and Apples and Pears Acts.

Maintenance.—Act No. 87 gives the court further discretionary powers to refrain from committing to prison a person who has failed to comply with a maintenance order, provided that the court is of opinion that such non-compliance has not been wilful or negligent.

Stock.—The main provisions of Act No. 46 relate to the slaughtering of animals and the sale of meat. It authorizes the appointment of inspectors to ensure the carrying out of humane and hygienic slaughtering and sale of meat for purposes of human consumption.

Tourist Bureau.—The " tourist trade," both in respect of overseas and interstate visitors, has always been considered of great importance to Tasmania. This is a small island, and therefore somewhat handicapped in respect of ordinary commercial undertakings, but it is fortunate in its scenic attractions, which make a strong appeal to travellers. The Governments of Tasmania have therefore paid particular attention to tourist facilities working through a Government Tourist Bureau. Heretofore this Bureau has been a department of the Government Railways of Tasmania, but it has now been thought better to remove it from that control and establish it as a separate department (No. 31).

Towns.—Act No. 47 (which is incorporated with the Local Government Act) deals with the establishment and improvement of towns and (in Part III) regulates common lodging houses.

Financial Relation.—The much-disputed question of financial relations in a Federal State appears in Acts Nos. 90, 91 and 92. It has always been a hotly argued matter as to whether or not the Commonwealth should acquire by taxation considerably greater sums than are necessary for its own purposes, which sums are subsequently parcelled out to the States, but earmarked for specific purposes. Acts Nos. 90, 91 and 92 provide for the application of moneys so handed out by the Commonwealth to the State of Tasmania, to be respectively used for rehabilitation of rural producers, for relief of unemployment and for assistance to the mining industry.

5. VICTORIA.

[*Contributed by* HIS HONOUR JUDGE ZICHY-WOINARSKI, K.C., *and* S. H. ZICHY-WOINARSKI, ESQ., M.A., LL.B.]

Third Session, Thirty-first Parliament ; Acts passed (including one reserved from the preceding session)—74. Of these many need no notice, as merely continuing for a further period temporary financial Acts, or as of only local interest or as being revenue application Acts, or as very minor amendments of existing Acts.

Marriage (Divorce).—A short Act, No. 4210, reserved in accordance with Imperial instructions for the Royal assent, contains some important amendments of the principal Act (No. 3726). Habitual drunkenness, which allied with certain circumstances has been in this State a ground for divorce *a vinculo matrimonii* since 1889, is extended to include a person habitually intoxicated by reason of taking or using to excess any sedative narcotic or stimulating drug or preparation. Insanity, which has similarly been a ground since 1919, is extended to include any person idiot, lunatic, or of unsound mind and incapable of managing himself or his affairs, and whether found lunatic by inquisition or not ; and a hospital for the insane which was held by Cussen J. in *Issell* v. *Issell*[1] not to include a hospital in another State now includes any like hospital in any other part of His Majesty's Dominions, and in such a case provision is made for service of process upon such person as the court may order. The remaining sections deal with alimony and maintenance. A novel provision, which goes to equiparate the incidence of a dissolution of marriage, enables the court to order a wife to secure alimony to be payable to a husband. The Act also alters the practice in regard to orders for monthly or weekly payments on decrees of judicial separation or dissolution of marriage. Previously the practice had been to make orders for permanent alimony after the decree nisi and before the decree absolute. That practice was based on the provisions of the principal Act which provided expressly that orders for permanent alimony might be made " on or after making a decree nisi for dissolution of marriage." The present Act reads " on or after making any decree for judicial separation or dissolution of marriage," and the effect is to create an anomalous position which is revealed in *Porta* v. *Porta*.[2] The power given by this Act of requiring payment of a monthly or weekly sum by the husband to maintain his wife is a new one, and replaces the former practice of the divorce court, one of doubtful legality though that was,[3] whereby an undertaking was obtained from a successful husband to make payments as a condition of his receiving a decree. Any amount so ordered to be paid may be subsequently varied on proof of certain circumstances. These provisions are made retrospective so as to apply to any decree made before the commencement of the Act.

Cattle and Swine (Compensation).—No. 4215 amends both the Cattle Compensation Act, 1928 (No. 3651), and the Swine Act, 1928 (No. 3784), by stopping a loophole for evasion of stamp duty that had appeared in those Acts. Its effect is to make no compensation payable under those Acts to owners of cattle or swine which are destroyed or the carcasses of which are condemned because of disease unless stamp duty has been duly paid upon the sale of such cattle or swine.

---

[1] 1921 V.L.R. 194.

[2] 1935 V.L.R. 154 (Irvine C.J.)

[3] See *per* Gavan Duffy J. in *Wyatt* v. *Wyatt*, 1935, V.L.R. 127.

State Electricity Commission.—No. 4220 has as its object the protection of the public from the incompetent installation of electricity and from the use of dangerous and inefficient electrical appliances. At the same time it extends the powers of the Commission and adds yet another administrative Board to the more than numerous ones already existing. Firstly, the Act prohibits contracting or undertaking to carry out electrical installations except by persons registered as electrical contractors, and in that behalf provides for the registration of such persons by the Commission, which is also authorized to license electrical mechanics to carry out electrical work. Secondly, the Act authorizes the Governor in Council to prescribe classes or types of electrical appliances or apparatus which shall not be sold unless approved by the Commission, and to this end an Electric Approvals Board is set up and its constitution prescribed. In cases of emergency, on the opinion of that Board, the Commission with the approval of the Governor in Council may prohibit the sale or use of electrical appliances or apparatus which would become unsafe or dangerous in use. Lastly, two miscellaneous provisions complete the Acts, one of which requires electrical undertakers to furnish to the Commission annual statements and (when so required by the Commission) technical and financial data relating to their undertakings, and the other provides for the remuneration of the commissioners out of the general fund of the Commission instead of from consolidated revenue.

Property Law (Charitable Bequests).—Act No. 4222 may yet come to be reckoned as one of the curiosities of legislation. It contains but one operative section and relates to the construction of certain dispositions by will to charities. So ill-framed is it that it deserves to be set out *in extenso*.

> Where the will of any person who dies after the commencement of this Act contains a bequest to or a trust for the benefit of a charity or a number of charities or a class of charities and directs or purports to direct that the time of payment of the corpus bequeathed to or to be held in trust for the benefit of such charity charities or class of charities be postponed and that in the meantime the income arising from such corpus be paid to or distributed among such charity charities or class of charities, such bequest trust and direction shall notwithstanding any rule of law or equity or any rule of construction be construed and take effect according to the tenor thereof.

Local legal opinion is somewhat befogged as to the result of this enactment. The paternal intention of the Legislature was to abrogate the rule in *Saunders* v. *Vautier*[1] as applied to charities in *Wharton* v. *Masterman*.[2] But except in one special class of case its operation appears nugatory. In Victoria prior to this Act the case of *In re Wright*[3] made it clear that there were two distinct rules which might affect a gift of income in perpetuity—(*a*) a rule of law—the rule in *Saunders* v. *Vautier* and *Wharton* v. *Masterman*, and (*b*) a rule of construction—whereby in the absence of a contrary intention it was presumed that when a testator gave the income of a fund in perpetuity he intended to give the corpus. The present Act appears to refer to both the foregoing rules, but as the operation of the section is conditioned by the fact that there must be a will which both contains a bequest to charity and directs that payment of the corpus bequeathed be postponed, it does nothing to determine the preliminary question whether there is a gift of corpus at all, so that the rule of construction of an unlimited gift of income remains unimpugned. Again, if

[1] (1841) 4 Beav. 115.

[2] [1895] A.C. 186.

[3] 1917 V.L.R. 127.

applying the rule of construction the gift is interpreted as a gift of corpus, the further question arises in regard to the direction as to time for payment. In such a case the will is silent about postponing payment of corpus and the words "in the meantime" seem to have no room for application, for a gift of income in perpetuity when construed as a gift of corpus means a present gift of corpus.

For these reasons the only case that appears to be hit by the section is that in which provision is made for payment of the income of a fund to charity for a stated period at the expiration of which the corpus is to be payable. In such a case the rule in *Wharton* v. *Masterman* is now not to be applied and the gift will take effect according to its tenor. Beyond this the Act appears to have accomplished nothing towards the benevolent protection intended of the wishes of testators.

Companies (Special Investigation).—Act No. 4224 is a drastic and unusual piece of legislation. It is aimed at the mushroom type of company, recently conspicuous in the Australian States, operating under the style of a trust investment company and which makes fraudulent inroads into the pockets of a gullible but optimistic public. Under the existing Companies Act, 1928 (No. 3659), the only provision for the investigation of the affairs of a company is that contained in s. 117,[1] a provision not apt for dealing with the type of company in view. The procedure prescribed by the present Act is shorter, more expeditious and less costly. Legislation similar in principle has already been passed in New South Wales, South Australia and New Zealand, as well as by Commonwealth Ordinance in regard to Federal Capital Territory; but the procedure adopted by those Acts was to appoint Royal Commissions or Boards of Inquiry. This Victorian Act arms the Governor in Council with power, on the recommendation of a law officer, by proclamation to specify for the purposes of this Act any company either incorporated in Victoria or incorporated outside Victoria and carrying on business within Victoria. Before any such recommendation is made the law officer is to be satisfied that a *prima facie* case has been established that it is necessary for the protection of the public or of the shareholders or creditors of such company that the affairs of such company shall be investigated under the Act. In addition, the Governor in Council at the request of the Government of any other State, country, dominion, colony or territory may similarly specify a company. The next step in the scheme provides for the Governor in Council, without any application made in that behalf, to appoint inspectors to investigate and report on the affairs of any company to which the Act applies. Such appointments are given the force and effect of appointments of inspectors under the principal Act and the necessary adaptations of those provisions to this new summary procedure are made. An inspector under this Act may employ other persons and may delegate certain of his duties. If from any report it appears to the Governor in Council that any person has been guilty of any offence in relation to the company for which he is criminally liable the Governor in Council may cause the matter to be referred to the Attorney-General, and no prosecution for any such offence is to be commenced except with his consent. Additional power is given to the Attorney-General after receipt of an inspector's report to petition the Supreme Court for the winding-up of a company. The usual penal provisions complete the Act, the operation of which is limited to twelve months after its commencement, or to the period for which the then Legislative Assembly continues to exist, whichever is the shorter.

---

[1] Which corresponds to 8 Edw. VII, c. 69, s. 109.

Friendly Societies.—No. 4225 adds to the objects for which societies may be registered that of payment for hospital accommodation and maintenance for the members, their husbands, wives, children or dependents not exceeding 63*s*. a week for any one person or a period longer than thirteen weeks in any one year. Also that of providing payments for surgical, therapeutic or other medical treatment given in a hospital by a legally qualified medical practitioner up to ten guineas in any one year in respect of any one person.

Totalizator.—Act No. 4234 amends the principal Act No. 3861 whereunder the installation and operation of totalizators on race-courses first received legislative sanction. Under the principal Act every racing club using a totalizator was made liable to deduct as commission out of the moneys paid into the totalizator in respect of every race 10 per cent. of such moneys and to pay 50 per cent. of such deduction to the Treasurer of Victoria to form part of consolidated revenue. The present Act is designed to give relief to country race clubs so as to provide that where a race-course is situate outside a radius of twenty miles from Melbourne, the race club is to pay in only 25 per cent. of the commission. The scheme of the principal Act was to transfer amounts paid into consolidated revenue under the Act to the Hospitals and Charities Fund without making any provision for expenses lawfully incurred in the administration of the Act. The present Act fills this administrative *lacuna*.

Cultivation Advances.—No. 4237 follows on the lines of its predecessor of last session. It enables advances during the period ending December 31, 1935, to be made to certain cultivators of land by the Closer Settlement Commission. Special circumstances such as drought or very low prices for primary products required this system of legislation which till 1930 was confined to helping growers of wheat and barley, but was then extended to growers of potatoes, onions and maize. The number of farms so helped is about 1,600, most of whom are wheat growers. New features are a provision for payment out of consolidated revenue to meet capital losses and a provision for the writing off by the Commission of part of the existing indebtedness to it. The Commission writes off part of its debt after having conducted negotiations with all or any of the farmers' creditors and where it considers the farmer has a reasonable prospect of success and is working his farm efficiently but owes too much to the Commission to ensure success. This is somewhat in the Micawber spirit of optimism —that something will turn up.

Income-tax Amendment.—No. 4238 allows the deduction from assessable income of gifts of £5 and upwards made to the Government of Victoria or to a public fund for Centenary celebrations. It allows also the exemption from special tax or unemployment relief tax or both of income the produce of property derived in or from Victoria by residents in reciprocating States of the Commonwealth. It defines residents in reciprocating States as those declared to be such by the Governor in Council. It enacts that where a taxpayer ordinarily resident in Victoria derives income the produce of property in or from any State that is not a reciprocating State, a rebate of special tax and unemployment relief tax shall yet be made to him where similar taxes have been paid by him in such other State on the same income. It makes permanent, earlier provisions for the payment by instalments of taxes on income.

Land Tax Amendment.—No. 4240 makes a small amendment in the Act of 1928 by giving authority to the Commissioner of Taxes to release wholly or in part or to postpone the payment of land-tax in cases where, owing to the low prices received for primary products in the year for which the tax is assessed, the taxpayer has suffered such loss that the exaction of the full amount of tax would entail serious hardship.

Commonwealth and States Financial Agreement.—No. 4246 authorizes and approves of an agreement set forth in the schedule between the Commonwealth of Australia and the States of New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania, for the purposes of settling on the land returned soldiers and their dependents and war workers, and varying the financial agreement of 1927 made between the same parties, in order to remove doubts as to the interpretation of that agreement in relation to the appointment of Ministers of States to represent the parties thereto as members of the Loan Council.

Licensing.—Under the principal Act (No. 3717) authority to build licensed victuallers' premises on a new site or to remove the licence thereto was not to be granted if in the same village or township there were any other licensed victuallers' premises. Act No. 4252 relaxes the restriction by the addition of the qualifying words "unless the Licensing Court is satisfied that such removal would be likely to effect a material improvement in the facilities of the village or township or of the district surrounding or adjoining the same, and is desirable for the convenience of the public." Provision is made for objections to be heard upon such an application.

No. 4263 is in form an amending Act. It prohibits the sale or supply of liquor on Good Friday.

Stamps (Betting).—No. 4261 rectifies two anomalies in the existing law. A bookmaker is now made responsible for entries in a betting-book made by his clerk, and country bookmakers (*i.e.* those residing outside a twenty-mile radius of Melbourne) are to furnish half-monthly statements instead of monthly statements as previously required. The Act also makes it an offence for a bookmaker to divide entries in his books with a view to evading its provisions.

Mortgagees (Powers of Sale).—No. 4265 removes certain doubts in regard to sales by mortgagees. Those doubts were, first, whether a mortgagee might sell mortgaged lands on instalments, and, second, whether if he did so sell he was liable to account for the proceeds of the sale before they were actually received. It should be noted that in Australia the system of selling land for a deposit and regular instalments of purchase-money is a most usual, if not the common, method employed. It appears to be otherwise in England, and it is an interesting point that in such cases local courts are not afforded much aid by English authority.[1] The present Act amends both the Property Law Act, 1928 (No. 3754), to deal with cases not under the Transfer of Land Act, *i.e.* under the general law, and the Transfer of Land Acts, 1928 (No. 3791), to deal with cases where the land has been registered under the Torrens system. It extends the statutory powers of a mortgagee to sell for a sum payable by instalments and renders him liable to account only for the proceeds in fact received by him from such a sale.

Grain Elevators.—No. 4270 adopts the principle of the bulk handling of grain in Victoria. It is a lengthy Act, but the construction and operation of the scheme adopted may be broadly described. Provision

[1] See *e.g. Reynolds* v. *Fury*, 1921 V.L.R. 14, 21.

is made for the appointment of a Grain Elevators Board for the purpose of providing in Victoria an adequate system of country and terminal elevators for the handling of grain in bulk. For this purpose the necessary powers are conferred on the Board with regard to the carrying out of surveys and investigations, the preparation of plans, the construction and operation of elevators, the taking of land, the storage of grain, the issue of grain warrants and the imposition of dockage and charges for the handling and storage of grain. The next provisions in the scheme require every wheat-grower in any defined area within which an elevator has been constructed to deliver at least 75 per cent. of his wheat to the elevator. Lastly, the Board is authorized for the purposes of the Act to raise by the issue of debentures a sum not exceeding £2,000,000, the repayment of which and payment of interest accrued thereby is guaranteed by the Government of Victoria, and also to borrow by way of overdraft of current account an amount not exceeding £75,000. The necessary provisions as to debentures, sinking fund, audit, accounts and funds of the Board complete this phase of the legislation.

Agricultural Lime.—The origin of Act No. 4271 lies in the substantial increase of recent years in the use of lime in agricultural operations ; its object is to protect the farmer from any deleterious product in lime and from any adulterant. This is attained by placing lime on the same basis as fertilizers, the sale of which has for a number of years been controlled by legislation. The present Act follows closely the lines of the legislation in regard to fertilizers. Agricultural lime is defined to mean " calcium oxide, calcium hydrate, or calcium carbonate or any material containing any one or more of these ingredients sold or intended to be used for application to the soil, but does not include any fertilizer within the meaning of the Fertilizers Act, 1928 [No. 3680]." The Act does not apply to any sale of lime where the quantity sold is less than half a ton. The scheme is this : Every person selling agricultural lime is to affix a label thereto showing certain details in regard to its manufacture and the proportion per cent. therein of calcium oxide or certain other substances. Further, upon the sale of lime the vendor is to give to the purchaser an invoice certificate which is to contain certain details as to the vendor, the lime and the sale. Both the label and the invoice certificate are deemed to be a representation or warranty by the vendor of the truth of the matters referred to. Official analysts are appointed who are given certain powers of entering buildings, etc., for the purpose of taking samples, and the method of taking samples is prescribed. The purchaser of lime is entitled to have a sample of it analysed. The sale of agricultural lime which contains more than 5 per cent. of magnesium oxide is forbidden. The Act makes provision for the registration by manufacturers of brands in respect of lime, and contains ancillary provisions as to the compilation and annual publication of lists of lime in respect of which brands are registered. The usual power is given to the Governor in Council to make regulations, and sanctions to the Act duly appear in the usual penal provisions.

Land.—By No. 4273, where the Board of Land and Works upon consultation with the Forests Commission is of opinion that any extensive area of unalienated Crown lands is for the time being unsuitable for selection under the principal Act, the Governor in Council is authorized to grant grazing leases of it, subject to the right of resumption by the Crown.

Such leases may be for twenty-one years, and may be renewed. They are to contain conditions that the lessee shall make improvements of a given value, fence, destroy vermin and noxious weeds, preserve forest produce, permit entry for gold seeking, etc.

Provision is made, too, in the event of resumption by the Crown, for compensation for improvement made by the lessee.

Factories and Shops.—Act No. 4275, typical of the legislative regimentation of the day, both amends the existing law in a number of miscellaneous particulars and breaks fresh ground in social and industrial legislation. It extends the interpretation of factory in the principal Act (No. 3677) and defines public holiday. It amends the principal Act with respect to the exempting of persons from its provisions, in relation to the rates of pay in cases where persons are employed for less than the number of hours fixed for an ordinary week's work, to the licensing of outworkers, and to the restrictions of hours for carting. It extends the existing provisions requiring that piece-work prices only are to be paid to certain outworkers. It requires annual reports to be prepared by the chief inspector of factories and shops and statistical information to be published by the Minister. In relation to Wages Boards, it provides that any of the representatives of employers which are corporations or public bodies on such Boards may be a nominee, but so that in the case where any such nominee is a paid officer or is not in the opinion of the Minister a *bona fide* employer, one of the representatives of the employees on the Board shall be an officer of the trade union concerned; makes provisions for the adjustment by Wages Boards of wages, rates and piece-work prices in accordance with the variation in the cost of living index numbers published by the Commonwealth statistician; requires Wages Boards to incorporate in determinations such of the provisions of any relevant awards of the Commonwealth Court of Conciliation and Arbitration as the Board thinks proper to be included; and authorizes such Boards in the case of unskilled trades to determine that no apprentices shall be taken in that trade.

The Act repeals several provisions relating to annual trade holidays, and authorizes the Governor in Council, on the recommendation of a Wages Board, to make regulations fixing the annual trade holiday. In some heterogeneous sections the Act requires all new chaff-cutting machines when delivered to purchasers to be equipped with safety guards, and occupiers of certain factories where work of a hazardous nature is performed to provide, when so directed by the chief inspector of factories, an ambulance room under the charge of a person qualified to render first-aid treatment; it affects the closing hours of certain hairdressers' and tobacconists' shops, farriers' workshops and chemists' shops, and authorizes the variation of the hour of closing for shops outside the metropolitan area in the week preceding Christmas Day when it is observed on a Monday. Further, the Act limits the hours to be worked in the boot trade, requires butchers' shops to be closed on Sunday, and shops selling petrol to be closed on Anzac Day and Good Friday, but enables motor oil to be sold after closing hours to travellers for the purpose of continuing a journey. Also the Act limits the number of apprentices to be employed at pharmacies in the metropolitan area, forbids the taking of premiums for employing minors in any work to which the determination of a Wages Board (other than the Chemists' Board) applies, and limits the premium in the case of work to which a determination of the Chemists' Board applies to £100. It prohibits, with certain exceptions, the taking of premiums for teaching any persons the trade or business of hairdressing.

In regard to the bread trade, the Act requires time-books to be kept by employers and the provision of sleeping-places near bakehouses and certain other factories, and forbids the carting or delivery of bread before 6 a.m. or after 6 p.m., and the baking on a Sunday of bread for trade or sale. It establishes a Bread Trade Tribunal, consisting of a county court judge and two persons nominated respectively by the representatives of employers and employees on the Wages Board, to deal with cases where a defendant engaged in the bread trade alleges that no contravention of the determination of the Wages Board has taken place by reason of the fact that no relationship of employer and employee exists between himself and the other person concerned, and directs the Tribunal for the determination of such proceedings to be guided by the real justice of the matter without regard to legal forms and solemnities or the law of evidence. Lastly, the Act provides for the extension of this machinery to other trades.

Milk Board.—Act No. 4276 extends the previous legislation in regard to the supply and sale of milk. A Milk Board was first appointed by Act No. 4104 (in 1932) to investigate and report. Consequent upon its recommendations, a Milk Board was established by the principal Act of 1933 (No. 4183) for the control and regulation of the supply and sale of milk. The provisions of that Act were largely experimental, and the present Act effects certain amendments in the light of the experience gained in its administration. It confers on the Milk Board additional power to determine minimum prices to be paid to owners of milk depots for milk sold or distributed in the metropolis. The sale on commission of milk for distribution or consumption in the metropolis is made an offence, and dairy farmers are forbidden from selling or distributing milk in the metropolis otherwise than to the owner of a milk depot or a dairyman, unless the dairy farmer is also the holder of a licence in respect of a dairy. Similarly the Act prohibits the carrying on of the business of transporting milk directly or indirectly to the metropolis by road, unless the person carrying on such business is the holder of a milk carrier's licence granted by the Board. Further, the Act empowers authorized officers of the Board and members of the police force to inspect records required to be kept by licensed milk carriers; and, lastly, it contains a number of minor amendments to the principal Act.

Margarine.—The Health Act, 1915 (No. 2665), s. 137, forbade the colouring of margarine in imitation of butter and the use in its manufacture of any liquid or material (other than natural animal fat) of a yellow colour and of any colouring substance or process which may create a resemblance in the colour of the margarine to the colour of butter. In the consolidation of the Health Act, 1928 (No. 3697), s. 235, only the first prohibition was re-enacted. Act No. 4277 restores (with slight verbal differences) the second prohibition to the principal Act.

Electoral.—The *primum mobile* of Act No. 4278 is to be sought in the circumstances of the 1932 election, when a deficit of eighty-six votes on the first count against a candidate was converted on a recount into a majority of twenty-one in his favour. Two phases of electoral law are dealt with: firstly, the recount of votes in certain cases by returning officers before the declaration of the poll, and, secondly, the constitution of a Court of Disputed Returns to deal with further recounts of votes, election petitions and matters respecting the qualifications of members.

Under the previous law a returning officer had only a limited power of making a recount. Now it is provided that such officer may make a recount of his own motion, or upon the request of any candidate, or by direction of the chief electoral officer, to the decisions of which officer doubtful ballot papers may now be reserved for allowance or rejection with an appeal therefrom to the Court of Disputed Returns. This court is created by Part II of the Act. The necessary machinery is modelled on Commonwealth and New South Wales legislation. Its effect is to substitute a court composed of a Supreme Court judge for the previously existing Elections and Qualifications Committees of the Legislative Assembly appointed by both Houses of Parliament, and bring the process into line with the English practice since 1868, with the Commonwealth, with the other Australian States and with New Zealand. The machinery whereby this change is effected needs no special comment, nor do the various provisions as to the powers and procedure of the court. However, it is noteworthy that the Act adopts s. 193 of the Commonwealth Electoral Act, 1918–29, and directs the court to be guided by the substantial merits and good conscience of each case without regard to legal forms or technicalities or whether the evidence before it is in accordance with the law of evidence or not.

Local Government.—Victorian law relating to this subject has been twice consolidated, in the year 1915 and in 1928. Since the latter date a number of Bills to amend the law failed to pass, and No. 4279 is a comprehensive amending Act. New features of general interest are the following: Councils are authorized, with the approval of the Governor in Council, to provide landing grounds for aircraft to be under the care and management of the council. They may provide accommodation for bathers on lands being part of the seashore or strand of any river or sheet of water used as public bathing-places. They may establish, maintain or aid "maternity and child welfare centres," *i.e.* institutions, establishments or places where or in connexion with which (*a*) from legally qualified medical practitioners or registered nurses holding special certificates under the Nurses Acts for infant welfare (i) expectant mothers may obtain expert advice relating to the hygiene of pregnancy, and (ii) parents or guardians of children up to the age of six years may, in respect of such children, obtain expert advice relating to health; (*b*) parents or guardians of children may obtain expert advice from legally qualified medical practitioners relating to the prevention of infectious and of preventable disease; and (*c*) children up to the age of six years may receive dental treatment from registered dentists. They may maintain or otherwise aid bush nursing centres supported by the Bush Nursing Association. They may restrict extraordinary or heavy traffic on certain roads. Out of their municipal funds they may pay subscriptions to municipal associations in any part of Victoria established to promote the efficient carrying out of municipal government and of watching over and protecting the interests, rights and privileges of municipalities; or pay moneys for the destruction of insects or bacteria harmful to human health; or maintain any cemetery within or (with the consent of the Governor in Council) outside the municipal district. They may keep rate-books constituted of a series of cards or loose leaves. They may arrange for the construction of and to purchase and let dwelling-houses for their officers or employees.

Extended powers are given to make by-laws, including: the maintenance in good repair of wire on fences; pedestrians keeping to the left on footways; the leaving (whether unattended or not) of motor-cars or other vehicles standing in a street or road; the erection or use of tents or temporary structures for the sale of goods; the sale of goods from stalls, motor-cars, carts, trucks, barrows, boxes, bags or receptacles standing or placed on vacant land; trees or hedges on private property at street corners; protection and control of the reserves, safety zones, monuments, fountains in streets and roads; provision of bathrooms and baths in buildings and cantilever verandahs to replace other verandahs.

The power under the principal Act in a council to pay officers or employees or their surviving relations a gratuity on the resignation or death of the officer or employee is extended to enable it to pay a gratuity at a retiring age fixed by the council and to make provision for them by means of superannuation allowances or pensions, deducting from their salaries or wages their contributions to such fund.

The constitutions of new shires and of new boroughs is altered—for the former a revenue of £3,000 from a rate of 1*s.* is necessary in lieu of £1,500, and for the latter a revenue of £2,000 from a rate of 1*s.* in lieu of £300.

The power of the Governor in Council on the report of an inspector of municipal accounts, and without any petition from ratepayers, to unite a shire with any other municipality when its revenue does not yield for twelve months £1,500 is amended to apply to any shire whose revenue is under £2,500. The reason for this is economic, and will save the duplication of staffs and of overhead expenses of administration.

An Advisory Board of three persons with a knowledge of local government is created to hear councils and ratepayers and then advise the Minister in reference to any petition by the council of a municipality as to the union of municipalities, the annexation of outlying districts, the alteration of the number of councillors or of the name of the municipality, etc., or in reference to requests submitted to and carried by a poll of ratepayers as to severance of a municipality and the annexation of a portion thereof to another municipality. The Minister may also refer to such Board for advice, reports by municipal inspectors and other requests and proposals made to the Minister after a poll of ratepayers, before the Governor in Council deals with the petition.

The qualification of municipal councillors is altered: to the liability to be rated in respect of property in the municipality consisting of one or more tenements of the rateable value of £20 at least is now added the requirement that he shall have been so liable for a period of at least three months immediately preceding the nomination day for the election at and for which he is a candidate. The date of annual election (which hitherto was Thursday) may now be Saturday—as the council determines. Councillors who refuse or neglect to attend or remain in attendance at meetings and when a quorum cannot be formed or maintained may be ousted from office.

Councils are empowered to extend, subject to certain restrictions, the period within which new valuations of all rateable property are required to be made and to make and levy differential general rates in subdivided municipalities. A new method or formula is provided of ascertaining voters' qualifications in municipalities where rating on unimproved values is in operation and by which the ratepayer shall be given a number of votes according to the rates he pays. The proposition upon which the formula is based may be stated as : If £25, £50, £75 or £100 of net annual value at a rate under net annual values produces a certain amount of rate to be paid, what amount of unimproved capital value would be required at an equivalent rate under unimproved capital values to produce the same amount of rate to be paid?

The provisions of the principal Act for recovery of rates by selling land are extended to cases where councils have taken possession of and leased lands to recover unpaid rates. Demand for rates shall state the date by which the rates must be paid if payment of interest is to be avoided. The rate of interest is 6 per cent. per annum.

It permits voting by post in connexion with loans in municipalities which adopt voting by post in the election of councillors. It varies the limit of the amount which may be borrowed on overdraft by municipal councils. It authorizes corporations and companies, unless expressly forbidden by the Act or instrument under which they act, to invest in municipal debentures. It authorizes councils by special order to apply the unexpended balances of loans to purposes other than those for which the loans were raised and provides the conditions of validity of any such special order. It provides for one class in lieu of the three classes of auditors of the Municipal Act and makes provision for continuous audit of municipal accounts. It empowers a municipality to buy small allotments of land of less than the minimum area, frontage or depth on which a building is permitted, and also adjoining land so as to obtain an allotment of the minimum area which it may use for authorized work or sell. Plans for laying out of roads on private property are required to show portions of land set apart for mains for the supply of water, gas, electricity and for sewerage services ; and the council is required to submit the plan to every statutory authority concerned with these services. It extends the period during which owners may pay by instalments for the costs and expenses of street-making carried out by councils to fifteen years. It empowers the Minister to settle disputes between municipalities with respect to the making and maintenance of streets, roads and bridges on the boundaries of their respective municipal districts. The owner or occupier of land who alters, obstructs or interferes with the natural flow of surface water on, through or across any land, street or road in such a manner as to cause any street or road to be injuriously affected by water is made liable to pay the cost of repairs and also to a penalty. Councils may sell the residual products arising from the manufacture of gas and may lay and provide pipes and fittings to or on the premises of consumers, and (in the case of shire councils) may make and supply ice as part of their electric light undertakings. In a limited way only councils may make contracts to sell road-making materials to certain other municipalities or public bodies. Their power to take land compulsorily is now also extended.

6. WESTERN AUSTRALIA.

[*Contributed by* W. F. SAYER, ESQ., K.C., *late Solicitor-General.*]

Although forty-nine Acts were passed in the year 1934 during the third Session of the Fifteenth Parliament, there are only a few which contain enactments of general interest. These are reviewed below.

Financial Emergency.—By Act No. 1 the Financial Emergency Act of 1931[1] was re-enacted, except as to Part V, relating to the variation of contracts of service. The Act continues in operation until December 31, 1935.

Secession.—This Act (No. 2) is intituled an Act relating to the preparation, completion and presentation of a dutiful address to His Majesty, and humble applications to the House of Lords and to the House of Commons in the Parliament of the United Kingdom in furtherance of the desire of the people of Western Australia to withdraw from the Federal Commonwealth established under the Commonwealth of Australia Constitution Act (Imperial) and for other purposes relative thereto.

It is enacted in furtherance of a vote of the people of Western Australia taken pursuant to the Secession Referendum Act, 1932.[2] It authorizes an Address to His Majesty and Petitions to the House of Lords and the House of Commons, in the forms in the schedules to the Act, that effect may be given by the Imperial Legislation to the desire of the people of Western Australia.

Soldiers' Land Settlement.—Act No. 8 approves and ratifies an agreement between the Commonwealth of Australia and the States, including Western Australia, relating to the settlement on the land, since the Great War, of returned soldiers and their dependents and other war workers.

Industries Assistance.—The Act No. 27 of 1915,[3] which enabled advances to be made by the Government for the assistance of persons engaged in farming, mining and other industries, was continued until December 31, 1935, by Act No. 11.

City of Perth Superannuation Fund.—Act No. 14 empowers the City of Perth to establish a superannuation fund for its employees, and to make contributions to the fund out of the ordinary revenue of the municipality; but subject to the scheme of superannuation being submitted to a vote of the owners of rateable land on the requisition of not less than twenty ratepayers.

Dried Fruits.—Act No. 49 of 1926[4] is continued in operation until March 31, 1938, by Act No. 15.

Gold Mining Profits Tax Assessment.—Act No. 20 authorized the assessment and collection of a tax on the profits of companies carrying on the business of gold mining in Western Australia. The tax was fixed at the rate of 1*s.* 4*d.* in the £ on the amount of the net profits of every such incorporated company as assessed for the duty payable under the Dividend Duties Act, 1902.

Tenants, Purchasers, and Mortgagors Relief Act.—Act No. 45 of 1930[5] is continued until March 31, 1936, by the Act No. 22.

Administration of Deceased Persons' Estates.—By Act No. 28 that part of the Administration Act, 1903, which relates to estate and succession duties is repealed, and a new part is enacted in its place.

The existing enactments, which impose duty on a sliding scale from 1 per cent. on an estate not exceeding in value £500 to 10 per cent. on estates of £20,000 and upwards, and the proviso that only one-half duty is chargeable so far as beneficial interests pass to the widow, widower, parent or issue of the deceased person, are re-enacted. But certain dispositions of property, within a prescribed time before the death of the owner, are deemed on his death, testate or intestate, to form part of his estate. These dispositions are : (*a*) a *donatio mortis causa* ; (*b*) gifts *inter vivos* if made within twelve months before death, or at any time if the gift relates to property of which possession and enjoyment are not *bona fide* assumed to the exclusion of the giver ; (*c*) property which a person has voluntarily caused to be vested in himself and some other person jointly, so that a beneficial interest accrues by survivorship on his death to such other person ; (*d*) joint investments to the extent of the interest accruing by survivorship in proportion to the amount (if any) paid on the property or contributed by the person dying towards the investment ; (*e*) property in respect of which the owner has given a power of appointment, unless the donee of the power has received the income in good faith for his own use from the date when the power was given and such power was exercised by the donee not less than twelve months before the death of the donor ; (*f*) property which passes by means of any legal or equitable alienation within twelve months before the death of the person making such disposition in consideration of any annual or other periodical payments terminating on his death, which are less than the annuity which the person so dying might have reasonably expected to purchase for the amount of the assessed value of such property to the extent to which the aggregate amount of such payments is less than such value ; (*g*) money payable upon or after the death of a person in respect of any policy of life assurance effected by him and kept in force wholly or partially by him and assigned by him by way of gift within twelve months before his death ; but where such policy has been only partially kept in force by such person, then such proportion only of such money as the premiums paid by such person bear to the total premiums paid in respect of such policy ; (*h*) property over which the deceased had a general power enabling him by will or deed to dispose of it, if such power is exercised by his will ; (*i*) any life interest in property surrendered by any person without consideration within twelve months before his death to some other person. Duty paid by an executor or administrator pursuant to paragraphs (*a*) to (*i*) must be reimbursed by the donee or recipient under a disposition to which those paragraphs relate.

---

[1] *Journ. Comp. Leg.*, Third Series, vol. xv, pt. ii, p. 93.

[2] *Ibid.*, vol. xii, pt. ii, p. 98.

[3] *Ibid.*, New Series, vol. xxxviii, p. 91.

[4] *Ibid.*, Third Series, vol. x, pt. ii, p. 97.

[5] *Ibid.*, vol. xiv, pt. ii, p. 105.

The provisions of the Administration Act of 1903 relating to succession duty on settlements, *i.e.* non-testamentary dispositions of property made by any person containing trusts or dispositions to take effect upon or after his death or the death of some other person, are re-enacted without any substantial amendment. Property so disposed of is chargeable on the death of the settler or of such person with duty at the prescribed rates.

By the Act No. 28 of 1934 succession duty is payable under other non-testamentary dispositions of property on the net present value of : (*a*) the increase of benefit accruing to any person by the extinction or determination of any charge, encumbrance, estate or interest, determinable by the death of any person to which any property has become subject by any non-testamentary disposition ; (*b*) the beneficial interest in property vested in persons jointly which accrues to the other by survivorship ; (*c*) the beneficial interest in money received under a policy of assurance effected on his life by any person where the policy was wholly kept up by him for the benefit of a donee, or a part of the money proportionate to the premiums paid by him where the policy was partially kept up by him for the benefit of a donee; (*d*) the beneficial interest in any money received under a policy of assurance effected by any person on the life of any other person, where the premiums were wholly paid by such last-mentioned person, or if part only of the premiums were paid as aforesaid, then a part of the said money in the same proportion as the amount of the premiums paid as aforesaid bears to the whole of the premiums paid in respect of the said policy; (*e*) any annuity or other interest purchased or provided by a person, either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising therein by survivorship on or after the death of any person.

The provisions of the Administration Act of 1903 relating to returns and the assessment adjustment and recovery of duties are substantially re-enacted, but some additional provisions are made relating to the valuation of partnership interests, viz. shares in proprietary and other companies, and also to the payment of duty on shares held by a deceased person in foreign companies.

Dairy Products Marketing Regulation.—By Act No. 34 a Dairy Products Marketing Board is constituted as a body corporate consisting of six members appointed by the Governor. Of the members so appointed, one is nominated by the Minister as chairman and government representative; one is nominated by the Minister as the representative of the consumers; one is nominated by the companies and persons engaged in business as manufacturers and licensed under the Act; two are nominated by the producers; and one is nominated by the dealers licensed under the Act who purchase more than one ton of the same class of dairy produce per week. The funds of the Board consist of the prescribed fees, moneys appropriated by Parliament and payable to the Board, and all other moneys which may come into the hands of the Board under and for the purposes of the Act. No person may carry on the business of a dealer or of a manufacturer unless he obtains a licence from the Board. Storage places for dairy products must also be licensed and must conform with the conditions prescribed by regulations approved by the Governor in Council. Licensed dealers and manufacturers are required in every year to contribute towards the expenditure of the Board during that year in the administration of the Act, and in carrying out its duties and functions.

Prior to the first day of July in every year the Board prepares an estimate of the expenditure to be incurred during the year commencing on that day, and determines the amount of the contribution to be paid by each dealer and manufacturer. A special fund, known as the Dairy Products Stabilization Fund, is also established; and for the purpose of maintaining the fund every licensed dealer and manufacturer is required in every month to contribute and pay to the Board such amount as may be determined by the Board from time to time in respect of dairy products produced in Western Australia and sold by or through such dealer or manufacturer. But it is provided that no dealer or manufacturer shall be required to contribute in any year to the expenditure of the Board an amount exceeding a sum equal to 1 per cent. of the gross proceeds in that year derived by him from carrying on his business as a dealer or manufacturer, as the case may be; and no dealer or manufacturer shall be required to contribute and pay in any year to the Dairy Products Stabilization Fund an amount exceeding a sum equal to 33 per cent. of the gross proceeds in that year derived by him from carrying on his business as a dealer or manufacturer, as the case may be ; and no producer who is a manufacturer within the meaning of the Act shall be required in any week to make any contribution in respect of dairy products manufactured by him for sale in that week when the total weight of such dairy products is less than twenty pounds.

As and when a manufacturer receives milk or cream from a producer, or himself produces milk or cream for use in the manufacture of dairy products, he is required to deduct from the amount of the market value of the dairy product to be manufactured therefrom an amount calculated at the rate of the contribution to the expenditure of the Board for the time being payable by him in respect of such market value, and also an amount calculated at the rate of the contribution to the Dairy Products Stabilization Fund for the time being payable by him ; and thereafter such manufacturer must pay the amounts so deducted to the Board at the times and in the manner prescribed, and at the same time furnish to the Board returns in the prescribed form showing how the amounts so deducted and paid are arrived at. The payments so received by the Board are in satisfaction respectively *pro tanto* of the contributions referred to. As and when a dealer purchases or receives for sale dairy products from a producer (not being a manufacturer), he must deduct from the purchase price paid by him, or from the gross proceeds received by him on the sale of such dairy products (as the case may be) an amount calculated at the rate of the contribution to the expenditure of the Board for the time being payable by him in respect of the gross purchase price paid by him, or of the gross proceeds received by him from the sale of the dairy products received by him for sale, as the case may be ; and also an amount calculated at the rate of the contribution to the Dairy Products Stabilization Fund for the time being payable by him in respect of the gross purchase price paid by him, or of the gross proceeds from the sale of the dairy products received by him for sale, as the case may be ; and thereafter such dealer must pay the amounts so deducted respectively to the Board at the time and in the manner prescribed, and at the same time furnish to the Board returns showing how the amounts so deducted and paid are arrived at. The payments so received by the Board are in satisfaction *pro tanto* of the contributions payable by the dealer.

The Board is charged with (1) the regulation and organization of the sale and distribution of dairy products ; the storage of dairy products in storage places ; plant, machinery, appliances, containers and other things used in connexion with the sale and distribution of dairy products ; (2) the inspection of plant, machinery, appliances, containers and other things used in connexion with the sale and distribution of dairy products ; (3) the issue and cancellation of licences ; (4) the enforcement of quotas[1] ; (5) fixing maximum rates for road transport of milk or cream intended for use in the manufacture of dairy products from the premises of the producer to the dairy products factory to be paid by the producer ; (6) defining the functions, authorities and duties of inspectors ; (7) any other matter which in the opinion of the Minister is incidental to any such matters.

The Minister may, from time to time, after ascertaining that the supply and distribution of dairy products to consumers thereof in Western Australia will be insured, determine what is to be the quota for the purpose of this Act. A quota may be determined for any dairy product generally, or different quotas may be determined for one or more particular grades of any dairy product.

---

[1] " Quota " means the proportion of dairy products manufactured by a manufacturer within Western Australia in the course of his intra-State trade or commerce in Western Australia.

No manufacturer or dealer may sell, in the course of intra-State trade or commerce within the State of Western Australia, dairy products manufactured by him in excess of the quota for the time being in force in relation thereto, the penalty for such offence being a fine not exceeding £500. But a manufacturer or dealer may sell such dairy products in excess of the quota, if he pays to the Board for the credit of the Dairy Products Stabilization Fund in respect of the dairy product so sold an amount to be determined by the Board, not to exceed a sum calculated in respect of the dairy product sold on the basis of the amount of the difference between the export parity price of the dairy product on the day of the sale and the market price ruling in Western Australia on the same day as declared by the Board.

The Board may from time to time determine in connexion with and for the purposes of the Dairy Products Stabilization Fund the quantities, classes or qualities of any dairy products in excess of the quota for such dairy product which (*a*) may be stored by any manufacturer pending sale or export by him ; (*b*) may be sold by any manufacturer to dealers for storage pending sale or export by such dealers ; and (*c*) may be stored by any dealer pending sale or export by him. No manufacturer or dealer may withdraw from storage any portion of any dairy product stored, without the permission of the Board, except for local sale under the proviso to the preceding paragraph.

No dairy product may be exported from the State of Western Australia or stored in a storage place until the same has been graded and marked as required by the Dairy Industry Act, 1922. No dairy products intended for storage may be stored unless of a standard approved by the Board for storage purposes, and in a storage place licensed under the Act.

Whenever a registered manufacturer or dealer exports any dairy product, and on the day of shipment the export parity price (*i.e.* the wholesale selling price for the time being in London or Australian dairy products, after allowing for freight, insurance, exchange, duties and all other charges) of such dairy product is lower than the market price in Western Australia, the Board may pay out of moneys in the Dairy Products Stabilization Fund to such manufacturer or dealer such amount by way of compensation as the Board may determine in accordance with rates to be fixed by the Board, but not exceeding a sum calculated at the rate of the amount of the difference between the export parity price and the market price of the dairy product, and thereafter the following provisions apply : (*a*) If, upon the sale of the dairy product exported the manufacturer or dealer proves that, notwithstanding the receipt by him of the compensation already paid to him, and after taking the amount thereof into account the net profit realized by the sale is less than the net profit which would have been realized if on the day of shipment the dairy product had been sold in Western Australia at the market price then ruling as declared by the Board, the Board may pay out of the Dairy Products Stabilization Fund to the manufacturer or dealer such further amount by way of further compensation as the Board may determine, but not exceeding the amount of the difference between the net profit actually realized and the net profit which would have been realized if the said dairy product had been sold in Western Australia. (*b*) If upon the sale of the dairy product exported the manufacturer or dealer realizes a net profit (after taking into account the compensation already received by him) which is greater than the net profit which he would have realized if on the day of shipment he had sold such dairy product in Western Australia at the market price then ruling as declared by the Board, the manufacturer or dealer shall, when he has received the proceeds of the sale, pay to the Board for the credit of the Dairy Products Stabilization Fund such amount as is equivalent to the amount of the difference between the net profit actually realized by the sale and the net profit which would have been realized if the dairy product had on the day of shipment been sold in Western Australia.

Whenever a registered manufacturer or dealer places any dairy product in storage for the purpose of subsequent sale or export, and on the day when such dairy product is placed in storage the export parity price is lower than the market price in Western Australia as declared by the Board, the Board may advance out of moneys in the Dairy Products Stabilization Fund to such manufacturer or dealer by way of loan such amount as the Board may determine, in accordance with rates to be fixed by the Board from time to time, but not exceeding a sum calculated upon the basis of the amount of the difference between the export parity price and the market price, and thereafter the following provisions apply: (*a*) If, when any portion of the dairy product is withdrawn from storage and sold by the manufacturer or dealer, the market price of such dairy product in Western Australia as declared by the Board is equal to or less than the market price thereof in Western Australia on the day when such dairy product was placed in storage as declared by the Board, such manufacturer or dealer shall, when the proceeds of the sale of the dairy product have been received by him, pay to the Board for the credit of the Dairy Products Stabilization Fund the amount of the advance previously made to him, less such of the following amounts as are approved and determined by the Board, namely—(i) costs of storage ; (ii) an amount calculated on the basis of the drop in the market price of the dairy product when there has been a drop in such market price ; (iii) the amount of any loss in value of the dairy product as the result of any deterioration during storage ; (iv) the amount of any premium paid to the manufacturer in respect of choice butter manufactured by him ; (v) any other incidental loss. (*b*) If, when any portion of the dairy product is withdrawn from storage and sold by the manufacturer or dealer, the market price in Western Australia as declared by the Board is greater than the market price in Western Australia on the day when such dairy product was placed in storage as declared by the Board, such manufacturer or dealer shall, when the proceeds of the sale of the dairy product have been received by him, pay to the Board for the credit of the Dairy Products Stabilization Fund the following amounts, namely—(i) the amount of the advance previously made to him, less such of the following amounts as are approved and determined by the Board : (*a*) costs of storage ; (*b*) the amount of any loss in value of the dairy product as the result of any deterioration during storage ; (*c*) the amount of any premium paid to the manufacturer in respect of choice butter manufactured by him ; (*d*) any other incidental amount ; and (ii) an amount equivalent to a sum calculated at the rate of the amount of the difference between the market price ruling in

Western Australia as declared by the Board on the day of the sale and the market price ruling in Western Australia as declared by the Board on the day when the dairy product was placed in storage.

The Board may, out of the moneys in the Dairy Products Stabilization Fund, from time to time pay to the manufacturers of any dairy product a premium in accordance with rates to be fixed from time to time by the Board in respect of so much of the dairy product manufactured by such manufacturers as the Board shall determine is of " choice " quality. The Board may from time to time fix a scale of rates for payment of advances or compensation or premium, and may fix such scale of rates for and in respect of the various grades of a dairy product. Payments of advances, compensation and premium, and the amounts thereof, are in the discretion of the Board. The Board may, by public notice, declare that advances or compensation or premium will be payable in respect only of dairy products exported and sold, or of dairy products manufactured (as the case may be) during such period of a year as may be specified in such notice.

No person may sell dairy products unless he is a producer, or a licensed manufacturer, or a licensed dealer, or a person who has purchased the dairy products from a licensed manufacturer or dealer, or a storekeeper—other than in the metropolitan area—who proves to the satisfaction of the Board that he has purchased the dairy product direct from the producer for sale retail in his store in the ordinary course of business.

Every person who packs any dairy products intended for sale is required to mark legibly and durably upon every such package the name of the packer or the registered brand or mark (if any), or the stamp of such packer ; a mark as prescribed for the purpose of indicating the classification, grade and quality of the dairy product contained in the package ; and the quantity of dairy product contained in the package.

The Minister may, with the approval of the Governor in Council, make regulations prescribing forms and fees and other matters necessary or convenient to be prescribed for the purpose of effectually carrying out the provisions of the Act. The Act contains the usual provisions relating to the accounts of the Board and the audit thereof.

Agricultural Bank.—The Agricultural Bank was established in 1894 as a government institution for the purpose of assisting the occupation, cultivation and improvement of agricultural land.

By Act No. 45 the existing Act and ten amending enactments were repealed, and the administration, which extends to the assistance of all rural industries as defined, was vested in a body corporate known as the Commissioners of the Agricultural Bank of Western Australia, consisting of the Under Treasurer of the State and two other members appointed by the Governor in Council, being persons of sound knowledge of the rural industries. The funds of the Commissioners are such moneys as are appropriated by Parliament for the purposes of the Act, with power to the Commissioners to borrow such sums as are authorized by Parliament on the security of debentures, subject to a sinking fund being established to liquidate loan at the date of maturity. The expression " rural industry " includes the agricultural, horticultural, pastoral, grazing and dairying industries carried on in the State, and such other industries as the Governor may from time to time by proclamation declare to come within the definition.

Subject to the Act, the Commissioners may make advances to any person engaged in a rural industry on the security of any lands owned and used or intended to be used by him in such industry : (*a*) to enable such person to effect permanent improvements on such lands so as to render the same productive or more productive ; (*b*) to enable him to buy machinery, stock and plant to work the said lands ; (*c*) to enable him to use or put the said lands to better use or advantage in any other branch of rural industry than that in which he has been previously engaged ; (*d*) to enable him to erect a dwelling-house thereon ; and (*e*) for any other purpose where, in the opinion of the Commissioners, it is necessary or desirable to make an advance in order to conserve or protect their security.

Money borrowed is repayable by equal half-yearly instalments, or, in the case of loans for improvements, by such graduated instalments as may be prescribed, to commence at such time and to be payable in such manner as the Commissioners may determine : but the period over which an advance is repayable must not exceed twenty years. Interest, however, is payable by half-yearly instalments, at such rate as is prescribed for the time being, with power to the Commissioners in their discretion to reduce the rate of interest payable in connexion with any advance. Security is taken by the Commissioners by way of mortgage of the borrower's holding, with or without such additional or collateral security as the Commissioners may require. The Commissioners may, in any year in which a borrower has experienced a failure of crops, or of seasonal operations, or has sustained any fortuitous loss, refund to the borrower the whole or any part of any instalment of principal or interest, or of principal and interest, which may become due to the Commissioners under any security, but subject to the liability of the borrower to repay to the Commissioners such refunded instalments at such future date as may be required by the Commissioners, and the same continue a charge under the security held by the Commissioners as if the refunded instalments had not been received by the Commissioners : but no such refund is valid as against the security of any subsequent mortgagee unless such mortgagee consents.

Constitution Act.—Act No. 40 was passed to remove any disqualification for enrolment of natives of British India resident in Western Australia as electors of the members of the Legislative Council and Legislative Assembly.

Mine Workers' Relief.—By Act No. 42 amendments are made to Act No. 37 of 1932, which relates to the relief of miners in respect of two diseases—silicosis and tuberculosis [1] as amended by Act No. 34 of 1933,[2] which do not affect the principles of the Act as reviewed, but a section enables men who may have been employed in mines and who desire to go prospecting to obtain from the Board the right to contribute to the Relief Fund as prospectors.

Farmers' Debts Adjustment.—The principal Act, No. 48 of 1930, as amended by the Act No. 4 of 1931, was reviewed in this *Journal*.[3] Further amendments were made in 1932, 1933 and 1934. The operation of a stay order directing that no action, execution, distress or proceedings for breach of covenant under any mortgage security should be taken against the farmer was extended until rescinded by resolution passed at a meeting of the creditors, or discharged by the Director on the ground that no good purpose could be served by holding any further meeting of the creditors; and the powers and authority of a receiver were continued so long as the farmer is subject to the Act, to enable the receiver to carry out any resolution of the creditors, and to wind up his receivership.

---

[1] See *Journ. Comp. Leg.*, Third Series, vol. xvi, pt. ii, p. 98.

[2] *Ibid.*, vol. xvii, pt. ii, p. 111.

[3] See Third Series, vol. xiv, pt. ii, p. 106, and vol. xv, pt. ii, p. 90.

The Act with its amendments was consolidated as the Farmers' Debts Adjustment Act, 1930–34.

Western Australian Aged Sailors and Soldiers Relief Fund.—The Act, No. 39 of 1932, established the Fund inaugurated by the Returned Sailors and Soldiers Imperial League of Australia (W.A. Branch) Incorporated. An annual Poppy Day appeal for funds was conducted under the authority of the League since the Great War, on Armistice Day. By an amending Act, No. 10, it is enacted that it shall be lawful for the League, but for no other body or person, to conduct an annual Poppy Day appeal, in accordance with prescribed regulations.

7. PAPUA.

[*Contributed by the* HON. MR. JUSTICE GORE.]

Of the Ordinances passed in the year 1934 the following may be noted.

Superannuation.—No. 1 defines the term " pensionable allowance " and provides a method for computing the superannuation allowance or gratuity payable under the Ordinance in respect of pensionable allowances. An amendment to the principal Ordinance is also made for the automatic appropriation from revenue in each financial year to meet any deficiency in the fund.

Criminal Law.—No. 4 amends the White Women's Protection Ordinance, 1926. By s. 7 of the Ordinance of 1926, a person charged upon indictment with the crime of rape could be convicted of attempting to commit rape or of indecently assaulting a European woman or girl. Also by s. 7 a person charged upon indictment with attempting to commit the crime of rape could be convicted of indecent assault. There was no provision, however, in that section giving power, when the accused was charged with rape or attempted rape, to convict for having or attempting to have carnal knowledge of a European girl under fourteen or for indecently dealing with a European girl under fourteen, the offences provided by s. 5. No. 4 remedies the omission and makes the provisions consistent with the sections of the Criminal Code regarding offences of a similar nature. No. 4 also removes any doubt that the White Women's Protection Ordinance supersedes the Criminal Code with regard to offences covered by the former.

Sago.—No. 8 amends the principal Ordinance by providing for the granting of licences to cut and remove sago or any other native product growing on any land upon terms and conditions prescribed by regulation. An exclusive right to apply for a sago licence may be granted by Proclamation. A licensee may, while engaged in cutting and removing sago, cut out and remove any indigenous tree or plant within the area included in his licence. The main reason for the introduction of this amending legislation was to make available areas for the production of kurukuru (Lalang) grass for the manufacture of paper pulp.

IV. NEW ZEALAND.

[*Contributed by* J. CHRISTIE, ESQ., C.M.G., LL.M., *Parliamentary Law Draftsman.*]

The Fourth Session of the Twenty-fourth Parliament of New Zealand commenced on June 28, 1934, and continued until April 5, 1935 (with an adjournment which lasted from November 10, 1934, to February 13, 1935). During the Session 53 Public Acts, 14 Local Acts, and 5 Private Acts were passed. Of the Public Acts passed, the more important are dealt with in the following review.

Finance.—Four Finance Acts were passed during the session (namely Acts Nos. 2, 12, 31, 48). Part I of Act No. 2 makes certain relatively unimportant amendments of the Reserve Bank Act, 1933. It also repeals the Banks Indemnity (Exchange) Act, 1932–3.[1] In s. 4 it makes provisions, as between the Reserve Bank and the Consolidated Fund, for any adjustments that would require to be made in the event of a statutory fixation of the relationship between the currency of New Zealand and sterling.

Part II is, in effect, an amendment of the National Expenditure Adjustment Act, 1932.[2] The most important provision in this part of the Act is the extension for two years (that is, from April 1, 1935, to April 1, 1937) of the period during which the reductions effected in the rates of interest and rent by Part III of the National Expenditure Adjustment Act, 1932, continue to operate.

Act No. 12 effects (as from March 31, 1934) an increase of 5 per cent. in the rates of salaries and pensions affected by the National Expenditure Adjustment Act, 1932.[3] Part I deals with salaries, and applies to Ministers of the Crown and other members of Parliament ; to officers of the public service ; to teachers employed in public or in secondary schools ; to the staffs of the several university colleges ; and to other persons affected by the legislation of 1932.

Part II deals with pensions, and applies to old-age pensions and South African war pensions. Pensions payable in respect of service in the Great War were not affected by the National Expenditure Adjustment Act, and consequently do not come within the provisions of the present Act.

The only provisions of Act No. 31 that call for mention are to be found in ss. 2, 3 and 4. S. 2 authorizes the Minister of Finance to borrow a sum not exceeding £4,000,000 for public works purposes (*e.g.* additional rolling stock, telegraph extension and the construction of irrigation works and of roads, bridges, etc.). S. 3 authorizes the borrowing of £1,000,000 for electric-power works ; s. 4 authorizes the borrowing of £1,000,000 for the construction of main highways.

Nothing in Act No. 48 calls for special mention.

Arms.—Act No. 3 amends the Arms Act, 1920. S. 2 prohibits the importation of any firearms into New Zealand except pursuant to an "import licence." S. 3 strengthens the authority of the police with respect to the possession of firearms ; subject to appeal to a stipendiary magistrate, it empowers a superior officer of police to prohibit the possession of firearms except by "fit and proper persons."

---

[1] See *Journ. Comp. Leg.*, Third Series, vol. xvi, pt. ii, p. 109.

[2] See *ibid.*, vol. xvi, pt. ii, p. 106.

[3] *Ibid.*, vol. xvi, pt. ii, p. 106.

Stock Remedies.—In Act No. 5 the term " stock remedy " is defined as " any substance (including vaccines, sera, and other biological products) manufactured, advertised, or sold as a remedy for general use for the cure or prevention of disease in stock, or for the destruction or prevention of parasites of stock, or for the maintenance or improvement of the health or condition of stock, but does not include any substance which is used primarily as a food for stock."

The purpose of the Act is to maintain effective control over the sale of stock remedies, and for that purpose there is established a Stock Remedies Registration Board. All stock remedies are required to be registered with the Board, with particulars as to ingredients ; it is made an offence to sell anything purporting to be a stock remedy unless it is to registered. Conditions are also imposed as to the contents of advertisements relating to stock remedies.

Companies.—The Companies (Special Investigations) Act, No. 6, the Companies (Temporary Receivership) Act, No. 28, and the Companies (Special Liquidations) Act, No. 51, are closely related. They are all concerned with the same group of interlocked companies, of which the Investment Executive Trust of New Zealand Limited may be regarded as the parent. The first authoritative evidence that the affairs of these companies were being conducted in a manner subversive of the public welfare was furnished in the report of a Commission of Inquiry appointed to consider the methods of " bond-issuing " companies. As the result of that report it was considered advisable to have the affairs of the companies concerned investigated ; it was soon evident that some more adequate protection was required, and by the Companies (Temporary Receivership) Act, 1934, the Public Trustee was appointed to be the receiver of the said companies, pending the final report of the inspectors. This report was in due course made, and as the result of the disclosures made therein, the Companies (Special Liquidations) Act, 1934–5, was passed. This Act provides for the winding-up of the companies concerned, and for the appointment of the Public Trustree as liquidator.

Complementary legislation was passed, practically simultaneously, in New South Wales, where the principal assets of the related companies are situated.

Passports.—Act No. 7 revokes certain regulations made under the authority of the War Regulations Continuance Act, 1920, and replaces them by permanent legislation empowering the Governor-General in Council to make regulations requiring the production of passports by all persons arriving in New Zealand from overseas unless they come within a general or special exemption.

Reciprocal Enforcement of Judgments.—Act No. 11 repeals the Administration of Justice Act, 1922 (which related to the enforcement in New Zealand of judgments of superior courts in other parts of His Majesty's Dominions) and substitutes provisions under which judgments of any superior court outside New Zealand (whether a court within the Empire or in a foreign country) can be enforced in New Zealand.

The procedure prescribed is in all material particulars the procedure prescribed by the Foreign Judgments (Reciprocal Enforcement) Act, 1933 (Imperial).

Customs.—Part I of Act No. 14 deals with the customs tariff, and a completely revised tariff is set out in the First Schedule. The revision was carried out in compliance with an undertaking given at the Ottawa

Conference; but in any case a general revision of the tariff was due, the last periodical general revision being made in 1927.

Other matters dealt with in the present Act comprise amendments of the law (principally in matters of detail) in relation to tobacco duty, beer duty, gold duty and sales tax.

The following statement as to the revised tariff has been supplied by the Customs Department:

> Under the Agreement made at Ottawa in August 1932, New Zealand undertook to institute an inquiry into the existing protective duties and, where necessary, to reduce them as speedily as possible to such a level as would place the United Kingdom producer in the position of a domestic competitor.
>
> The Government in 1933 accordingly set up a Tariff Commission whose order of reference was to inquire into the Customs Tariff of New Zealand and to recommend for consideration by the Government any alterations therein, having regard to existing Trade Agreements to which New Zealand was a party and particularly to the Ottawa Agreement between the United Kingdom and the Dominion, to the financial, economic and industrial conditions in the Dominion, to the reasonable requirements of local industries which were being conducted in an efficient manner and were economically justifiable, and to all other relevant considerations.
>
> In order to implement the decisions of the Government arrived at as the result of the investigation, the Customs Acts Amendment Act, 1934, was passed into law to give effect to the complete revision of the Customs Tariff.
>
> The Act provided, *inter alia*, for the abolition of certain duties under the British Preferential Tariff and for reduced duties under the British Preferential Tariff on many classes of goods while the duties under the General Tariff were generally retained at their former level, thus increasing preference in favour of British goods.

Native Plants Protection.—Under Act No. 15 power is conferred on the Governor-General to declare any specified plants indigenous to New Zealand to be "protected native plants." Subject to certain prescribed exceptions, it is made an offence, punishable by fine, to "take" any protected native plant growing on any Crown land or public reserve or other place. The term "take" includes "gathering, plucking, cutting, pulling up, destroying, digging up, removing or injuring."

Electoral.—Act No. 16 provides for future Parliamentary elections being held at intervals not exceeding four years. This does not in any way restrict the power of the Governor-General to dissolve Parliament pursuant to the Constitution Act before it has been in existence for four years. The duration of the present Parliament was extended (from three years to four years) by s. 35 of the Finance Act, 1932, No. 11.[1]

Local Authorities (Members' Contracts).—Act No. 17 repeals a number of special provisions imposing disabilities upon members of local authorities and public bodies from entering into contracts with the bodies of which they are members. Though generally on the same lines, the repealed provisions were not uniform in their terms, and the Act now under review makes general provision for the matters hitherto dealt with in separate Acts.

Poisons.—Act No. 18 repeals the Poisons Act, 1908 (which was a consolidation of an Act passed in 1871 and certain amendments thereof). The new Act makes more adequate provision (somewhat on the lines of recent Imperial legislation) for the sale, custody, importation and carriage of poisons.

---

[1] *Journ. Comp. Leg.*, vol. xvi, pt. ii, p. 107.

Slaughtering and Inspection.—The most important provision of Act No. 19 is contained in s. 2, which enables the Minister of Agriculture, acting on the recommendations of the New Zealand Meat-producers Board, to regulate the number of stock or the maximum number of any kind of stock that may be slaughtered in any meat-export slaughterhouse during any period. Complementary provisions confer on the Minister a power to control the erection of new premises designed for the purposes of meat-export slaughterhouses or the structural alteration of new premises. The Act has an implied, though not express, bearing on the vexed question of "quota" restrictions on the export of meat from New Zealand to the United Kingdom.

Rent Restriction.—Act No. 21 extends, until October 31, 1935, the provisions of the War Legislation Act, 1916, relating to the restriction of rent. The last-mentioned Act has now a very limited application, but it has a certain restraining influence upon unduly high rents.

Transport Licensing (Commercial Aircraft Services).—Act No. 25 makes provision for the licensing of aircraft services for the carriage of passengers and goods. The licensing authority is the Transport Co-ordination Board. The provisions as to licensing are an adaptation of the provisions for the licensing of motor services for the carriage of passengers and goods on land. The penalty for carrying on an unlicensed aircraft service is fixed at £100 plus £10 for every day on which the service is carried on without a licence.

Agriculture (Emergency Powers).—Act No. 34 arose out of the report of the Dairy Commission (being a Commission appointed under the Commission of Inquiry Act, 1908, to inquire into and report upon the conditions affecting the dairy industry of New Zealand). In the course of its report the Commission expressed the view "that a policy of co-operation and co-ordination for the several Boards now functioning in respect of the export of the primary products of New Zealand has become urgently necessary" and also that "Independent Boards, each concerned with the marketing of one group of commodities, are no longer able, as isolated units, to cope effectively with the problems confronting them." The Act now under review was passed to give effect to the recommendations of the Commission; it is, in its long title, expressed to be "An Act to establish an Executive Commission of Agriculture, with power to regulate the marketing and production of agricultural products and to co-ordinate the work of the several Boards and other authorities exercising powers in relation to the primary products of New Zealand."

The Act is divided into four parts, respectively entitled: Part I, The Executive Commission of Agriculture; Part II, The New Zealand Dairy Board; Part III, Financial Provisions; Part IV, Enabling Provisions.

Part I provides for the appointment of an administrative body of four members to be called the Executive Commission of Agriculture. The Commission consists of the Minister of Agriculture (who is the chairman); a deputy chairman and two other members. The Governor-General in Council is given power to transfer to the Commission all or any of the powers of the several Boards that are now concerned with the marketing of primary products; on the transfer to the Commission of any such powers the Boards concerned can exercise their functions only with the authority and under the supervision of the Commission.

Part II reconstitutes the New Zealand Dairy Board and extends its powers; in particular, the reconstituted Board is given authority to regulate the production of dairy produce, and the handling, marketing, transport and distribution of dairy produce intended for consumption in New Zealand. S. 23 relates to levies on dairy produce for the purpose of providing administrative charges; it authorizes for the first time the imposition of levies on dairy produce intended for local consumption.

Part III contemplates the expenditure of public moneys by way of grant or loan for the rehabilitation of the dairy industry. The specified purposes for which public moneys may be so applied include the reconstruction of dairy factories, the eradication of disease from dairy herds, and the general improvement of conditions in and about dairy farms.

Part IV confers on the Governor-General in Council wide powers of making regulations for the purpose of giving effect to specific recommendations of the Dairy Commission and generally for the purpose of giving effect to the Act. These extensive powers are considered necessary, having regard to the critical conditions that now affect the dairy industry; the dangers associated with unfettered power of delegated legislation are, however, recognized and as far as possible are safeguarded against in the Act. S. 27 provides that regulations made under the authority of the Act must be laid before Parliament, and further, that if such regulations are not expressly confirmed by statute, they will lapse on the close of the last day of the session in which they are submitted to Parliament.

Cinematograph Films.—Act No. 36 makes various amendments of the principal Act of 1928; its most important provisions deal with the relationships between exhibitor and renter, and endeavour to protect the exhibitor from what are considered to be harsh provisions in existing film-renting contracts. Power is given to the Minister of Internal Affairs to prescribe the terms and conditions of a standard form of film-renting contract. After a standard form of contract has been prescribed, all contracts between exhibitors and renters will be read subject to the provisions of the standard contract; the standard contract will not contain an exhaustive statement of the rights and obligations of the parties, and it will be open to the parties to add to its provisions, but not to exclude, vary or contradict them.

Another important provision is contained in s. 13, which contemplates the issue of Board of Trade regulations imposing restrictions on the issue of film exhibitors' licences.

British Nationality and Status of Aliens.—Act No. 38 does two things. In the first place it brings the New Zealand law into conformity with the law of the United Kingdom by the formal adoption of s. 10 of the Imperial Act (as enacted by the British Nationality and Status of Aliens Act, 1933). In the second place it allows to a woman who has lost her British nationality by reason of her marriage to an alien, the right, while she remains in New Zealand, to claim the same privileges as if she had remained a British subject. The legislation does not seek to alter the fact that such a woman has in law ceased to be a British subject; it merely says that while she remains in New Zealand she is entitled to all the political and other rights, powers and privileges and is subject to all the obligations, duties and liabilities to which a natural-born British subject is entitled or subject.

Companies (Bondholders Incorporation).—Act No. 39 is the outcome of portion of the report of the Commission of Inquiry set up to inquire into and report upon the methods of certain classes of companies raising most of their capital, not by the issue of shares, but by the issue of so-called bonds. The present Act relates specially to afforestation companies which have issued " bonds " entitling the holders to an individual share in land or in the produce of land. It was obvious, from the report of the Commission, that such bond-issuing companies could not possibly fulfil the letter of their obligations to their bondholders, and the Act represents an attempt to provide the necessary machinery provisions whereby the essential rights of the bondholders may be preserved. It provides for the establishment of a body to be known as the Bondholders Incorporation Commission. The function of the Commission is to devise or approve of schemes to provide for the incorporation of bondholders as a limited company under the Companies Act, and for the conversion of their rights as bondholders into the rights of shareholders. The incorporation of a bondholders company having been effected, the Commission is given power to make orders for its reconstruction and generally for determining the rights of the shareholders as between themselves and as between the bondholders company and the bond-issuing company.

Broadcasting.—Act No. 40 increases the Broadcasting Board from three to seven members, and abolishes the Advisory Council. The powers of the Board are extended by placing the so-called " B " transmitting stations under its supervision.

Orchard Tax.—Act No. 41 increases from 1*s*. to 2*s*. per acre the rate of orchard tax, payable in respect of orchards used in the production of fruit for commercial purposes. The tax is essentially voluntary in its nature, and the additional proceeds are to be devoted to scientific research or experimental work in respect of the storage or transport or cultivation of fruit.

Mortgage Corporation of New Zealand.—Act No. 42 provides for the establishment of a financial institution to take over from the Government (including the State Advances Superintendent) the business of lending money to farmers and others on the security of mortgages of land.

The Government Advances to Settlers Office was originally constituted under the Government Advances to Settlers Act, 1894, and, with some modifications of name and extension of functions, it has continued in existence ever since. That Act (which was expressed to be " An Act to enable the Government to assist settlers by advancing money to them on mortgage at reasonable rates of interest ") contained a recital in the following terms: " Whereas by reason of the high rates of interest charged on mortgage of land, and the heavy incidental expenses connected therewith, settlers are heavily burdened and the progress of the colony is much retarded : And whereas it is expedient that the Government should afford such relief in the premises as is consistent with the public safety."

Since the establishment of the Advances Office other Government departments have engaged in the lending of money (notably the Lands Department, in connexion with its policy for the settlement on the land of discharged soldiers). Certain obvious disadvantages attend the business of lending money by Departments of State, and the purpose of the present Act is to transfer that business to a Corporation, with share capital amounting to £1,000,000, and having authority to borrow further moneys by the issue of bonds. Of the share capital, half is to be held by the Government and the balance by the public. Shareholders are restricted to British subjects who are ordinarily resident in New Zealand. The business of the Corporation is entrusted to a directorate consisting of : (*a*) four State directors ; (*b*) three shareholders' directors ; (*c*) an *ex-officio* director, being a Treasury official.

The business of the Corporation is the lending of money on the security of real property ; the members of the Board of Directors are also constituted the Rural Intermediate Credit Board (established under the Rural Intermediate Credit Act, 1927), whose principal business is the lending of money, for short terms, on the security of farming stock and other chattels.

An important feature of the Act is the requirement that loans shall be secured by "table mortgages," that is to say, by mortgages which provide for half-yearly or other periodical payments of equal amount, each payment consisting partly of principal and partly of interest, the amount of the instalments being so calculated that at the end of the term of the mortgage the capital moneys have been wholly repaid. This is, in fact, the system that has been in use by the Advances Office since its inception.

Elaborate provisions are made governing the rates of interest to be charged by the Corporation, the creation of reserve funds, the amount of the capital that the Corporation may raise by the issue of bonds and the payments to be made by the Corporation to the Crown in respect of securities transferred to it from the State Advances Office and other Departments of State.

The constitution of the Corporation is generally on the lines laid down in the Reserve Bank of New Zealand Act (1933, No. 11) in respect of the Reserve Bank.

Maori Purposes Fund.—Act No. 45 repeals, and re-enacts with modifications, certain provisions providing for the establishment and administration of a Maori Purposes Fund. The fund is placed under the control of a Maori Purposes Fund Board, and a general direction is given to this Board that the fund shall be administered for the promotion of the health, education and the social and economic welfare of members of the native race ; for the encouragement of the teaching of Maori arts and crafts ; for research into the arts, crafts, language, customs, traditions and history of the Maori and cognate races of the Pacific Ocean ; and for the preservation of the Maori language.

Rural Mortgagors Final Adjustment.—Act No. 50 is, without question, the most important of all the Acts passed during the session, the work of which is now under review. It is, in effect, a modification of the law of bankruptcy in its application to farmer mortgagors. The high prices for primary products that obtained during and for some years after the war led to high prices for farmlands, with the result that when prices fell, the nominal owners of such lands in a great many cases found themselves unable to meet their interest and other obligations. This position led to the passing of the Mortgagors and Tenants Relief Acts (1931–3), which prevented foreclosures but did not relieve mortgagors from any part of their capital liabilities. The present Act is designed with the intention that capital liabilities will be so reduced that they will bear a proper relationship to the productive value of the lands on which they are secured. The general purpose of the Act is expressed (in s. 3) to be " to retain efficient farmers in the use and occupation of their farms, and to make provision for the adjustment of all their liabilities (whether secured or unsecured)."

The Act establishes a Special Court of Record, with equitable jurisdiction, for the purpose of making the necesssary adjustments as between mortgagors and their mortgagees and other creditors.

The Act contemplates that farmer mortgagors who come within its scope (either on their own application or on the application of their mortgagee creditors) will, for a period of five years, carry on their farming operations under a system of budgetary control. At the end of that period a special valuation of their farmlands is to be made (in manner prescribed) and any excess of mortgage liability over the ascertained value will then be written off. When this is done, an adjustment of unsecured liabilities is to be made, and if the assets of the mortgagor are insufficient to meet them they too are written off. The farmer mortgagor will then be in the position of being in possession of his farm, mortgaged up to 100 per cent. of its ascertained value, but without other financial obligations.

The Act is novel; needless to say it has been condemned in many places. One hoped-for result is that voluntary settlements as between farmer mortgagors and their creditors will be encouraged.

V. WESTERN PACIFIC.

1. FIJI.

[*Contributed by* R. S. THACKER, ESQ., *Attorney-General.*]

Twenty-three Ordinances were passed by the Legislative Council during 1934, of which the following are the principal:

Fiji Coinage.—Ordinance No. 1 provides the legislation required to cover the issue of the new Fiji silver and copper-nickel coinage within the Colony. The new coins are made legal tender in the case of silver coins up to forty shillings and in the case of copper-nickel coins up to one shilling. Provision is made for the establishment of a coinage security fund and the keeping of a coinage income account, and the Commissioners are required to publish half-yearly statements showing the number of Fiji coins in circulation, the amount of the coinage security fund and a list of the nominal value, cost price and latest known market price of the securities held by the fund. An annual statement of their transactions must also be made by the Commissioners to the Governor and to the Secretary of State.

Importation of Textiles (Quotas).—Ordinance No. 8 introduces a system of import quotas applicable to textile goods of foreign manufacture. The Governor by proclamation fixes the quota for the prescribed period, and no goods covered by the quota may be imported without a licence issued by the Comptroller of Customs. When the total value of the goods has been imported the licence must be surrendered to the Comptroller. The Comptroller is required to keep a record of goods covered by the quota, and any person may at any time ascertain from the Customs Department the total value of any textiles already imported from any particular foreign country during the quota period.

Importation in excess of the quota may be allowed if the Governor so proclaims upon payment of such additional duty as may be prescribed in the proclamation.

Mining.—Ordinance No. 9 replaces the Mining Ordinance, 1908. Although the new Ordinance contains much fuller provisions, there is no radical departure from the general policy of the previous Ordinance. There are two important changes: the first, the Governor may proclaim a mining area in any given district without the necessity of prior acquisition of the land for public purposes; the second one is the expressed reservation to the Crown of all minerals of every description. The rent to be charged in respect of a mining lease is a sub-surface rent only. Provision is included for the occupation and use for mining purposes of any part or the whole of the surface of the land as may be allowed and specified in the mining lease. Licences may be granted for the use of land outside the boundaries of a mining lease for purposes connected therewith, and a surface rental is charged therefor. Provision is made for the amalgamation of one or more contiguous mining leases. There are special provisions relating to prospecting and mining on alienated lands. There is a provision for the deposit of an amount estimated to be required as compensation for any damage likely to be done to the surface of the land or to any improvements thereon. The administration of the Ordinance is retained in the Mining Board, which is to comprise three official members. In addition to their general powers, the Board is empowered, subject to the approval and discretion of the Governor, to grant prospectors' rights, prospecting licences and, with the approval of the Governor in Council, mining leases. Every prospector is required to notify the district commissioner of his intention to operate in his district.

Appeals.—Ordinance No. 22 repeals the 1903 Ordinance relating to appeals from the summary convictions and orders of inferior courts. The general outline of the 1903 Ordinance has been followed and many of its provisions re-enacted, but a number of amendments have been made and new provisions inserted, the most important of which are as follows. Provision is made that notice of intention to appeal must be given within seven days of the decision appealed against, and, where the appellant is not represented by counsel, the district commissioner shall draw up such notice and shall serve a copy on the respondent. Within three days after notice of intention to appeal has been given, the appellant must enter into a recognizance or give security to prosecute the appeal, and the amount of such recognizance or security shall be not more than half the amount of the fine or in the case of imprisonment not more than £25. The appellant shall then, if in custody, be released. It is provided that no sentence of corporal punishment shall be carried out until after the time in which notice of intention to appeal may be given has elapsed. If the appellant fails to prosecute the appeal within one month of the decision appealed against, the sentence shall be enforced. In accordance with the practice elsewhere, with the leave of the court of appeal additional evidence may be allowed on appeal. Provision is made that, in cases where the appellant was not at the hearing before the district commissioner represented by counsel, the court may allow an objection to be raised on a point of form, such as defect in an information or matter of variance between information and evidence, even although an objection was not made at the hearing. Power is given to the court, if it shall think fit, to pass a more severe sentence than that imposed by the inferior court.

Emigration.—Ordinance No. 14 removes certain restrictions on the emigration of East Indians.

2. WESTERN PACIFIC.

(i) GILBERT AND ELLICE ISLANDS.

Ordinances passed—6.

Customs Tariff.—No. 2 makes provision for preferential duties on goods the produce or manufacture of the British Empire.

Importation of Textiles.—No. 5 provides for the restriction by a quota system of the importation of textiles manufactured in foreign countries.

(ii) BRITISH SOLOMON ISLANDS.

King's Regulations passed—7.

Trade Marks.—No. 2 provides for the registration in the Protectorate of trade marks registered in the United Kingdom.

Designs.—No. 3 provides for the protection of designs registered in the United Kingdom.

Importation of Textiles.—No. 4 provides for the restriction by a quota system of the importation of textiles manufactured in foreign countries.

Criminal Law.—No. 7 provides for the penalty of flogging in certain cases of criminal assaults on women.

(iii) KINGDOM OF TONGA.

[*Contributed by* J. S. NEILL, ESQ., *H.B.M.'s Agent and Consul.*]

Acts passed—20.

Pounds and Animals.—The principal Act, while providing for the punishment of persons guilty of cruelty, does not empower the police to destroy animals found suffering.

The amendment (No. 11) confers this power, with safeguards to guard against arbitrary action.

Brands.—Act No. 14 provides for the voluntary branding of horses and cattle and for the registration of brands.

Leases Renewal.—The object of Act No. 15 is to ensure that an expiring lease may be renewed on reasonable terms.

Customs Duties.—Act No. 16 amends the form of the Certificate of Origin provided in the principal Act to enable goods to be entered at the British preferential rate. Local law is brought into conformity with similar legislation in Crown Colonies.

The other Acts passed are of local importance and call for no comment.

(iv) NEW HEBRIDES.

[*Contributed by* R. D. BLANDY, ESQ., *Acting Resident Commissioner.*]

Liquor Control.—Joint Regulation No. 1 amends Joint Regulation No. 1 of 1929, which provides for control of sale of alcoholic liquor, and suspends for a period of twelve months the provisions of Art. 5 thereof (permits to purchase).

Native Code.—Joint Regulation No. 2 provides for the punishment of indecent assault amongst natives. This Regulation forms part of the Native Code which was enacted by Joint Regulation No. 6 of 1927, wherein provision was not made for this offence but only for common assault and rape.

Pounds.—Joint Regulation No. 3 repeals Joint Regulation No. 13 of 1931, which granted a moratorium of twenty-four hours for payment of fees to owners of straying cattle which had been impounded. Local circumstances have since obviated the necessity for this moratorium.

Dogs.—Joint Regulation No. 4 provides for a tax on dogs in the town of Vila. Hitherto there has been no government control of dogs, with the result that apparently ownerless dogs swarmed in the town and on the roads, becoming both a nuisance and a danger to the ever-increasing motor traffic in Vila.

Import Duties.—Joint Regulation No. 5 amends New Hebrides (Import Duties) Regulation No. 12 of 1914. This Regulation was enacted in order to force importers to declare the currency of purchase of imports.

Liquor Licences.—Joint Regulation No. 6 amends the fee for a licence to trade in alcoholic liquor. The fee, when compared with similar fees in other Western Pacific High Commission territories, was low and, furthermore, attracted too many would-be illicit purveyors of alcohol to natives.

Arms and Ammunition.—Joint Regulation No. 7 restricts the sale or supply of arms and ammunition to natives in certain areas. There has been a good deal of inter-tribal warfare amongst the natives of the more uncivilized regions in the group: *e.g.* parts of the islands of Malekula, Santo, Pentecost and Ambrym, where, hitherto, the sale of sporting guns and shot cartridges was not prohibited. It was found upon investigation that the natives melted down the shot from the cartridges and manufactured bullets which they used in their smooth-bore guns.

Immigration.—Joint Regulation No. 8 was enacted in order to exclude destitute and undesirable people of any nationality.

Gambling.—Joint Regulation No. 9 prohibits gambling within the territories and waters of the New Hebrides. Various Chinese inhabitants of the town of Vila had opened gambling "dens" wherein a simple Chinese game of pure chance, locally known as "Fan Tan," was played. This game attracted all nationalities resident in Vila, of the less responsible type, including natives, and quickly became a menace to the peace and welfare of the town, resulting as it did in petty thefts of money and quarrelling.

Traffic Control.—Joint Regulation No. 10 repeals Joint Regulations Nos. 8, 9, 10, 11, 12 and 13 of 1931 and provides for the better control of traffic on the roads on the island of Efate, as well as the registration and licensing of vehicles.

VI. SOUTH AFRICA.

1. UNION OF SOUTH AFRICA.

[*Contributed by* W. G. HOAL, ESQ., K.C.]

In 1934 the Parliament of the Union of South Africa passed seventy Acts, the greatest number passed in any Session since Union. The following were of general interest:

Post Office.—Act 2 amends the Post Office Administration and Shipping Combinations Discouragement Act, No. 10 of 1911, by making provision for the payment of postage by a licensed receiver of unpaid postal articles, thus allowing of the inauguration of a system of "business reply cards" already in force elsewhere.

Anatomy.—Act 3 amends the Anatomy Act, No. 32 of 1911, with regard to the performance of post-mortem examinations on the bodies of persons who have died in public institutions and whose bodies are not claimed by relatives. No such post-mortem examination is to be held on the body of any person who has died from a disease specified from time to time by the Minister.

Natural and Historical Monuments, Relics and Antiques.—Act 4 repeals the Bushmen Relics Protection Act, No. 22 of 1911, and the Natural and Historical Monuments Act, No. 6 of 1923, but re-enacts their provisions in an amended and amplified form. The members of the Commission established under Act 6 of 1923 continue in office, but the Minister of the Interior has power to add new members. The Commission consists of seven, eight or nine members, of whom three form a quorum. They are not remunerated, but receive out-of-pocket expenses. The Commission is a body corporate, capable of suing or being sued and of holding property, and administers the funds consisting of grants, donations, fees, etc. The Minister has power, on the recommendation of the Commission, to proclaim monuments, *i.e.* any area of land having a distinctive or beautiful scenery or geological formation, or containing rare or distinctive flora or fauna, or waterfall, cave, grotto, or old tree or building; relics, *i.e.* fossils, Bushman drawings or implements or ornaments of archæological or anthropological interest; or antiques, *i.e.* any other moveable object of æsthetic, historical, archæological or scientific value or interest, which has been in South Africa for over one hundred years. The Commission has power to make a list of all proclaimed monuments, relics and antiques, to ascertain their owners, to purchase or take steps to preserve them, etc. The export or destruction of monuments, relics and antiques without the consent of the Commission is forbidden.

Mines and Works.—The Mines and Works Act, No. 12 of 1911, as amended by Act No. 22 of 1931, is amended by Act 5 by the deletion in the definition of " machinery " of the exemption from the operation of the Act of machinery used or intended to be used in connexion with farming operations.

Entertainments (Censorship).—Act 6 amends Act No. 28 of 1931 by allowing the Minister to exempt films intended to be exhibited to any particular class of persons or under any particular circumstances.

Births, Marriages and Deaths Registration.—Act 6 amends Act No. 17 of 1923 in several respects. Where a birth has been registered and the name is altered, the Registrar is authorized to register the new name, but without erasing the original name, and where a birth has been registered without a name, the Registrar may insert the name, in each case being satisfied as to identity. Provision is also made for the amendment of the registration of an illegitimate birth, where there is subsequent legitimation. It is also provided that notwithstanding the provisions of any law which require a marriage to be solemnized within certain prescribed hours, a marriage officer may, but is not obliged to, solemnize a marriage at any other time, and such a marriage shall be as valid as if solemnized within the prescribed hours.

Succession.—By the Roman-Dutch Law, a husband or wife has no right of succession *ab intestato* to the other spouse. An important modification in the common law is made by Act 13, which provides that the surviving spouse of every person who after the commencement of the Act dies either wholly or partly intestate is declared to be an intestate heir of the deceased. Where the deceased spouse leaves a descendant entitled to succeed *ab intestato*, the surviving spouse takes a child's share or £600, whichever is the greater. Where the marriage was in community of property, the survivor's half-share is included in the £600. Where there are no descendants, but the deceased leaves a parent or a brother or sister, the survivor takes a half-share or £600, whichever is the greater. Where there is no descendant, parent, brother or sister, the survivor becomes the sole intestate heir.

Newspaper and Imprint.—Act 14 makes provision for the registration of newspapers and forbids the publication of an unregistered newspaper. The register contains the full name of the newspaper, the address at which it is published, the names and addresses of the proprietor, printer, publisher, manager and editor, etc. A fee of £1 is payable on a new registration. Changes in any particular must be registered also. The Act further provides for copies of newspapers to be supplied to the Minister of the Interior and for the publication in each issue of the address at which the newspaper is published and the names and addresses of the proprietor, publisher and printer. All other printed matter printed and published in the Union must also bear the name of the printer and his address, but registered abbreviations may, with the authority of the Minister, be used. No person may print or publish within the Union any newspaper unless the editor, acting editor or the responsible or chief editor is resident in the Union.

Agricultural Pests.—Act 15 amends Act 11 of 1911 in respect of the registration of nurseries and the sale of plants therefrom, the prohibition of the introduction into the Union of plants, insects and germs of plant diseases, and the prohibition of their movement within the Union. S. 3 amends the law with regard to the notification of the appearance of flying locusts, the depositing of locust eggs or the appearance of voetgangers.

Diplomatic Immunities.—Act 19 makes some minor amendments in Act 9 of 1932 and substitutes a new definition of "diplomatic agent," which now means the public representative of any other sovereign or state duly accredited as such to the Union and who is the chief or in charge of the legation or mission of such sovereign or state in the Union or any member of the diplomatic staff acting, during his absence, in his stead.

Motor Carrier Transportation.—Act 20 empowers the Governor-General by proclamation to suspend, wholly or in part, the operation of any provision of Act 39 of 1930, either throughout the Union or in any particular proclaimed transportation area.

Orange Free State Administration of Justice.—Act 21, superseding Act 11 of 1921, provides that two judges shall form a quorum of the Orange Free State Provincial Division, but that one judge may hear and determine actions for provisional sentence, motions and default cases, and any other case where all the parties consent in writing or the court has so directed. Criminal trials before a judge and jury, or by special court or judge with assessors, are not affected, nor are election petitions under Act 12 of 1918.

Wild Birds Protection.—Act 22 prohibits the capture of wild birds (except for the purpose of immediate destruction at the place of capture) and the sale, purchase or barter of any live wild bird unless under permit granted by the Minister of Lands. The Act provides for the conditions under which such permits will be granted, and the exclusion by the Minister of any wild birds bred in captivity from the operation of the Act. For the sake of uniformity of administration, the Act further transfers from the Minister of Agriculture to the Minister of Lands the administration of the Wild Birds Export Prohibition Act, No. 6 of 1925.

Admission of Attorneys, Notaries and Conveyancers.—Act 23 repeals some twenty Union and pre-Union laws relating to the admission of legal practitioners, and provides a uniform law for future admissions. An attorney has to serve under articles to a practising attorney for five years, but this period may be reduced, *e.g.* a graduate at a South African University need serve only three years, and a person who was admitted as an advocate, two. Solicitors of England or Northern Ireland or Scotland and attorneys of the Mandated Territory of South West Africa who have practised for at least three years are exempted from service under articles. Persons admitted and enrolled in any British dominion, colony or territory approved of in regulations who have been so admitted and enrolled for at least five years are also exempt. Examinations must also be passed, both theoretical and practical. An advocate is exempted from the theoretical examination, but persons from outside the Union have to pass a special examination prescribed by regulation. Articles of clerkship, and any subsequent cessions thereof, must be lodged with the secretary of the law society in the Province concerned and with the registrar of the relative division of the Supreme Court. Only practising attorneys can have articled clerks, and no attorney may have more than two such clerks. Service under articles must be continuous, and no articled clerk may engage in any other business. In the later stages of his articles, he may appear in court. No advocate can enter into articles unless and until his name has at his own request been removed from the roll of advocates. Only admitted attorneys may be admitted as notaries and conveyancers, but before such admission they have to pass further practical examinations. Admission in one Province entitles a practitioner to admission in the other Provinces. Provision is made for fees and the making of regulations and rules of court. Every practising attorney, notary and conveyancer is required to open and keep a separate trust account, and his books are open to inspection by the law society. The amount to the credit of the trust account is not liable to attachment at the instance of the practitioner's ordinary creditors, and the bank has no right of set-off against that amount.

Fencing.—Act 24 amends Act 17 of 1912 by conferring on provincial councils power to " make ordinances in regard to contrivances in gaps in fences crossing or near public roads which are designed to permit the passage of motor vehicles but to prevent the passage of livestock over or through such contrivances and to any matter relating to such contrivances; provided that no such ordinance shall make it obligatory on any person to construct such contrivances."

Cape Statute Law Revision.—Act 25 represents the first attempt since Union to clear the statute book of some of the accumulated dead wood of past years. After the Anglo-Boer War, a number of obsolete and unnecessary laws were removed from the statute books of the Transvaal and the Orange Free State, but there has never been any similar legislation in the Cape or Natal, the statute books of both of which are encumbered with a number of laws which have long since ceased to be in force. The intention is to deal with all the Provinces in due course, and the Cape, as the oldest and worst, was tackled first. The Cape legislation dates back to the days of the Dutch East India Company. The Act first makes a clean sweep of all legislation prior to 1806, the date of the second British Occupation, with the exception of two laws dealing with the Deeds Registry. The Act then specifies some 800 or 900 laws passed between

1806 and 1910, the date of Union, which have been repealed otherwise than specifically or are no longer required owing to the altered conditions of the country. Prior to Union the Cape Colony had absorbed three Crown Colonies, British Kaffraria, Griqualand West and British Bechuanaland. Each of these had its own body of laws, most of which had been superseded by later Cape Colony or Union legislation, sometimes specifically, but more often by implication. The Act specifies in a schedule such laws of these territories as are still in force, and also contains a comprehensive savings clause somewhat wider than the savings clause in the Interpretation of Laws Act, No. 5 of 1910, and largely on the lines of corresponding clauses in English Statute Revision Acts.

Slaughter of Animals.—Act 26 provides for the humane slaughter of animals by proper instruments which kill the animals instantaneously. Provision is also made for the use of race and pen in killing bovine animals, and for exemptions in the case of animals slaughtered in accordance with the Jewish or Mohammedan method of slaughtering. Penalties are provided, and powers of inspection under the Public Health Act and general control are vested in local authorities.

Reformatories.—In conformity with the policy of treating reformatories as educational rather than penal institutions, Act 27 provides for the transfer of the control of juvenile reformatories and juvenile adult reformatories from the Department of Prisons to that of Education.

Judges.—Act 28 increases the number of judges of the Eastern Districts Local Division of the Supreme Court from three to four, and Act 29 increases the salaries of judges of the Supreme Court generally.

Trust Moneys Protection.—Act 34 provides that all trust deeds must be lodged with the Master of the Supreme Court having jurisdiction, and that every trustee must find security to the satisfaction of the Master for the due and faithful administration of any moneys affected by the trust, unless the trust deed directs the Master to dispense with such security. The Master may compel the trustee to lodge an account and to submit his books for examination. Where a trustee has in the opinion of the court failed to administer settled moneys diligently or honestly, the court may, on the application of the Master or any interested party, remove him from his office and appoint some other fit and proper person as trustee.

Mineral Law Amendment.—Act 36 amends in a number of respects the Precious and Base Metals Act, 1908, of the Transvaal (usually known as the Gold Law) and other mineral laws of the Union. New provisions are made with regard to prospecting, both on Crown land and on private land, the grant of mining leases to discoverers and of mijnpacht to the holder of the mineral rights, owner's surface reservations, leases on unproclaimed land, the deproclamation of public diggings and a number of other matters which it is impossible to summarize.

Irrigation Schemes.—Act 37 provides for the construction of a dam in the Buffelspoort Irrigation District across the Sterkstroom River and of irrigation works in connexion therewith; Act 38 for construction of certain irrigation works on the Vaal River—the Vaal-Hartz scheme, which is the biggest irrigation undertaking in the Union; and Act 39 ratifies an agreement with regard to irrigation in the Sundays River valley.

Liquor.—Act 30 of 1928 had in the course of administration disclosed a number of small defects, and an attempt is made in Act 41 to remedy these. They cover a wide range—the power of provincial councils to fix the licence fees; powers of licensing boards; the extension of licences to golf clubs with a membership of at least 100 male ordinary members paying an annual subscription of not less than two guineas and maintaining a golf course at least 2,500 yards long ; hours of opening licensed premises ; employment on licensed premises ; and the running by the South African Railways and Harbours Administration of refreshment rooms and refreshment cars.

Provincial Boundaries and Powers.—Under s. 149 of the South Africa Act, 1909, Parliament had power to alter the boundaries of any Province, divide a Province into two or more Provinces, or form a new Province out of Provinces in the Union, on the petition of every Province whose boundaries are thereby affected. No use has been made of this section, but by Act 45 it has been altered to read " Parliament shall not (*a*) alter the boundaries of any Province, divide a Province into two or more Provinces, or form a new Province out of Provinces within the Union, except on the petition of every council whose boundaries are effected thereby ; (*b*) abolish any provincial council or abridge the powers conferred on provincial councils under s. 85 (of the South Africa Act) except by petition to Parliament by the provincial council concerned."

Legalization of Angola Marriages.—After the Anglo-Boer War a number of subjects of the Republics, rather than accept British rule, trekked to Angola, in Portuguese West Africa. On the trek through the Bechuanaland Protectorate and German South-West Africa, and after their arrival in Angola, marriages were solemnized by ministers and elders. It is doubtful whether these marriages were valid, as such ministers and elders, though recognized by their congregation, were not duly appointed marriage officers of the territories in which the marriages took place. Most of the Angola Boers have now returned to the Mandated Territory of South-West Africa, and Act 47 authorizes the Administrator of that territory to appoint a " Commissioner for Angola Marriages." The Commissioner has power to inquire into every application made by a person who was married in the Bechuanaland Protectorate before January 1, 1906, or in German South-West Africa or in Angola before April 2, 1929, and to arrange for the registration of such marriage. If the Commissioner is satisfied that such marriage was entered into *bona fide* and was not within the prohibited degrees of consanguinity or affinity according to the law of the Transvaal and that no living party of the marriage is a subject of a foreign state, he shall frame a register of such marriage giving all the essential details and transmit it to the Registrar of Births, Marriages and Deaths of the Transvaal.

Livestock and Meat Industries.—Act 48 establishes a Livestock and Meat Industries Control Board, which is a body corporate capable of suing and being sued, etc. The Board consists of eleven members appointed by the Governor-General to represent the Department of Agriculture, the breeders of pedigree stock, livestock farmers, exporters, business men, wholesale and retail butchers, larger local authorities and livestock auctioneers. Some of the members hold office for one year and some for two. The Board has power to appoint officials, to hire or acquire property, to impose a levy on all cattle and sheep slaughtered in any abattoir, to pay a bounty or premium on exports, etc. The levy on cattle and sheep respectively is paid into different funds from which the export bounties are respectively paid. Other expenditure is divided *pro rata* between the two funds according to the benefit which the cattle or sheep industry, as the case may be, in the opinion of the Board, is expected to derive from such expenditure. The Governor-General may by proclamation declare any area to be a cattle improvement area, after receiving a resolution passed at a meeting of cattle farmers of the area. After a date mentioned in such proclamation, no other than approved bulls may be kept in such area. Provision is made for appeals against a decision disapproving of a particular bull. When a bull has been approved, it is branded or suitably marked by the owner and particulars of the bull are supplied to the Secretary for Agriculture, who causes such particulars to be recorded in a stock book opened for the purpose. Any unbranded or unmarked bull found in a pound in the cattle improvement area may be castrated if in the opinion of the inspector such bull is undesirable for the purposes of breeding. The Act further provides for the erection of cold storages with the assistance of State funds. To protect stock farmers in certain areas, the Governor may define such areas, and thereafter no person trading as a wholesale or retail butcher may buy or sell any livestock or meat unless he has given security to the satisfaction of the Minister to fulfil his obligations towards any person from whom he has bought any livestock or meat. Provision is also made prohibiting any unlawful restraint of the trade of a butcher, and in particular penalizing any wholesale butcher who compels or induces or endeavours to compel or induce any other person (*a*) to charge any specified price or specified maximum or minimum price for any meat or livestock sold by such person; (*b*) to refrain from purchasing meat or livestock from any source or seller, or from selling or dealing in meat or livestock; or (*c*) to limit the quantity of any meat or livestock which he may sell. It is also made an offence for a wholesale butcher to refuse to supply meat or livestock which he has available, on the most favourable terms as to price and time and method of payment in accordance with the custom of the trade, to any *bona fide* retail butcher who is in a position to make satisfactory arrangements to pay. Finally, the Act makes provision for the keeping, preservation and examination of records and for the making of regulations.

Colonial Stock Act, 1900, Declaration.—Act 49 ratifies a declaration made by the Union Government with regard to Union stock, which declaration is set out in a schedule as follows: "Whereas in terms of the conditions prescribed by His Majesty's Treasury in the United Kingdom under the Colonial Stock Act, 1900, Act No. 6 of 1913 has been passed by the Parliament of the Union of South Africa and the Union Government has placed on record a formal expression of its opinion that 'any Union legislation which appears to the Government of the United Kingdom to alter any of the provisions affecting the stock to the injury of the stockholder or to involve a departure from the original contract in regard to the stock would properly be disallowed'; and whereas the Union of South Africa is desirous of abolishing the right of disallowance by repealing s. 65 of the South Africa Act, 1909; and whereas His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland have undertaken to modify the said Treasury conditions provided a suitable undertaking is given by His Majesty's Government in the Union of South Africa by which the interests of stockholders are safeguarded; and whereas His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland have accepted the undertaking given by His Majesty's Government in the Union of South Africa set out hereunder: Now therefore His Majesty's Government in the Union of South Africa declare as follows: The Union Government undertake that legislation which appears to the United Kingdom Government either to amend Act No. 6 of 1913 of the Union to the injury of stockholders or to involve a departure from the original contract in regard to the stock shall not be submitted for the Royal Assent except after agreement with the United Kingdom Government. Furthermore, if attention is drawn to such legislation already passed by the Union Parliament the Union Government will take the necessary steps to ensure such amendments as may be requested by the United Kingdom Government." [1]

Crawfish Export Control.—Act 50 prohibits the export of crawfish from the Union for consumption in any country or territory which is subject to quantitative restriction except under permit granted by the Minister of Commerce and Industries.

Jointed Cactus Eradication.—Act 52 provides that within three months of the commencement of the Act every occupier, or if there is no occupier, every owner of land on which jointed cactus (*Opuntia aurantiaca*) is growing must give notice to a prescribed officer. The same duty is imposed on the occupier of land on which jointed cactus first appears after the commencement of the Act. The officer may either eradicate the cactus or cause it to be eradicated, or the Minister may cause an order to be served on the owner or occupier requiring him to eradicate it. Failure to comply with such order is an offence, as is any obstruction of an officer. The costs of eradication are recoverable from the owner or occupier.

Slums.—Act 53 makes comprehensive provision for the elimination of slums. Whenever the medical officer of health is of opinion that any condition exists in or upon any premises which does not conform with the requirements of the Act or regulations, or any premises are of such construction or in such a state or so situated or so dirty or so verminous as to be injurious or dangerous to health or liable to favour the spread of any infectious disease ; or any premises are so situated, used or kept as to be unsafe or injurious or dangerous to health, or any land is so congested with buildings as to be injurious or dangerous to health, or any premises have not such a proper, sufficient and wholesome water supply available within a reasonable distance, he must report to the local authority that a nuisance exists upon such premises or land. On receiving such report the town clerk must give notice to the owner of the premises or land of the holding of an inquiry, at which the owner is entitled to be present and be heard. On consideration of all documents produced and all facts and arguments adduced at the hearing, the local authority may declare the premises or land a slum. There is a right of appeal to the Minister of Public Health against such a declaration, and the Minister's decision is final. After the declaration, the local authority may give notice to the owner to demolish the premises, and no compensation is payable in respect of such demolition. Where the nuisance consists of overcrowding, the local authority may give notice to the occupiers to reduce their number. If the owner fails to act or the occupiers to leave, the local authority may take steps to give effect to its order. After an order for demolition, nobody may enter the slum except for the purpose of carrying out the demolition. Rent in respect of occupation of a declared slum is irrecoverable, and the registrar of deeds cannot register a transfer thereof except in respect of a *bona fide* contract concluded prior to his receipt of notice of the declaration, or in pursuance of a judicial sale in execution, or by the trustee of an insolvent estate or liquidator of a company or executor of a deceased estate. A declaration that premises are a slum may be rescinded if the owner satisfies the local authority that he has removed the nuisance which led to the declaration and paid all the expenses and costs to which the local authority has been put. A refusal to rescind a declaration is subject to appeal to the Minister, whose decision is final. The local authority is given power with the authority of the Minister either by agreement or by expropriation to acquire land the premises on which have been declared to be a slum, and any adjoining land. Where there is expropriation, the compensation must be fixed by an arbitrator, for whose guidance rules as to the matters to be taken into account are laid down. The local authority may take immediate possession of land expropriated, leaving the question of compensation to be settled later, and the registrar of deeds may register transfer in the name of the local authority. Power is given in the Act to eject persons unlawfully occupying or entering a slum, and there is no exemption from ejectment merely on the ground of lack of other accommodation. The Act also applies to premises owned by the Crown, and local authorities are indemnified from all claims whatsoever by reason of anything necessarily done in the execution of their duties or the exercise of their powers under the Act. The Act in the first instance applies only to the eight larger towns in the Union: Bloemfontein, Cape Town, Durban, East London, Johannesburg, Pietermaritzburg, Port Elizabeth and Pretoria, but its provisions may be extended by the Governor-General to other towns.

---

[1] See *Journ. Comp. Leg.*, Third Series, vol. xvi, pt. iv, p. 293.

Abolition of Quitrent.—Act 54 abolishes quitrent throughout the rural areas of the Union and repeals all the relevant laws except in so far as they are necessary for the collection of quitrent already accrued.

Land Settlement.—Act 57 amends the existing law by providing for the abolition of all existing boards and the establishment of a Central Land Board to advise the Minister in matters which are specifically expressed to be matters for the consideration, advice, report and recommendation of the Board and in any other matter referred to it by the Minister. Provision is also made for the appointment of five local land boards which make recommendations to the Central Board. No member of the Senate or House of Assembly or a provincial council may be a member of the Central Board or of a local board. The Act makes a number of amendments in the existing Act with regard to the purchase of land for would-be settlers, the appointment of valuators, subletting, insolvency, death or lunacy of the lessee, the hypothecation of the lessee's interest, advances, etc. Provision is also made for the revaluation of a holding where the Board is satisfied that too high a price was charged the lessee.

Land Bank.—The Land Bank Act, No. 18 of 1912, is amended in several respects by Act 58, *inter alia*, the conditions of advances to farmers and the committee, or boards of management of settlements, also for fencing, dipping tanks, silos and water supply. The bank is also safeguarded with regard to debts of co-operative societies which have a cash credit account with the bank, and is generally given power to vary instalments or due dates of debts due to it.

Workmen's Compensation.—Act 59 consolidates, amends and extends the law with respect to compensation for disablement caused by accidents to or industrial diseases contracted by workmen in the course of their employment, or for death resulting from such accidents or diseases.

Generally speaking, the Act follows the same lines as the previous Act, No. 25 of 1914, which largely reproduced the principles underlying similar legislation in England. Two new features are the appointment of a Workmen's Compensation Commissioner and the provision for compulsory insurance. Compensation is payable where an accident to a workman arising out of and in the course of his employment happens after the commencement of the Act (February 1, 1935) results in his disablement or death, but no compensation is recoverable (1) for the first three days of disablement where the disablement lasts for less than two weeks; (2) for the first two days if the disablement lasts more than two but less than three weeks; (3) for the first day where the disablement lasts more than three but less than four weeks. Nor in general is compensation recoverable where the accident is attributable to the serious and wilful misconduct or the drunkenness of the workman, or to a pre-existing diseased condition of which the employer was not aware. Under the old Act a workman could elect whether to claim under the Act or the common law. This election he no longer has, but the compensation fixed by the Act may be increased where the accident has been due to the employer's negligence. There is a comprehensive definition of workman. A person shall be regarded as a workman for the purpose of the Act if he has entered into or works under a contract of employment or of apprenticeship with an employer, whether the contract is expressed or implied, is oral or in writing, and whether the remuneration is calculated by time or by work done. The following persons are not workmen: (1) persons in naval or military service under the Crown; (2) persons receiving more than £600 a year; (3) persons employed casually; (4) outworkers; and (5) subcontractors. When an accident has caused the death of a workman, the dependents entitled to claim compensation are the widow or invalid widower, child, parent or step-parent, brother, sister, etc. "Widow" is extended in the case of Indians and natives to cover women who are in effect the widows of workmen though not legally married to them. The decision of a magistrate on any question whether a person is a dependent and the degree of dependency is final and not subject to appeal. Special provision is made with regard to persons in the employ of the State or the Railways Administration serving under Acts which make provision for injuries due to accident and also as to airmen and seamen. Notice must be given by a workman who has been injured as soon as reasonably possible after the accident, and in any case within six months, giving full particulars of the accident and the injury. Failure to give notice is no bar to the claim if it is clear that the employer was not prejudiced, or if the employer has admitted in writing his liability to pay compensation. The employer may require the workman to submit himself to medical examination. Before any claim can go to court it must be submitted to the Commissioner, whose functions include the investigation of all claims. He must endeavour to get the parties to come to an agreement, and only if he is unsuccessful is the matter submitted to a magistrate with a report from the Commissioner. All questions of the employer's liability to pay compensation and the amount, duration, etc., are settled by the magistrate, who may be assisted by medical and technical assessors. A party may appear either in person or by an attorney, advocate, member of his family, etc., or in the case of a workman by an officer of a trade union or in the case of a native by an officer of the Native Affairs Department. The amount awarded as compensation is not abated if the claimant is insured, it cannot be assigned, charged or attached and does not form part of the workman's estate. Deductions from earnings are prohibited, as is any attempt to contract out of the Act. Elaborate provision is made with regard to the amount of compensation according to the nature of the injury, and the degree of dependency where the workman has died as a result of the accident. The employer must pay medical expenses up to £100. The Act also imposes liability in cases where the workman has contracted an industrial disease. Special provision is made for native workmen, for whom an officer of the Native Affairs Department usually acts, as they are less able to look after themselves. The scale of compensation in the case of natives is considerably lower than that for Europeans. All employees, with certain exceptions, have to be insured. The original Bill provided for State insurance, but this feature was dropped in Select Committee. All insurers have to be licensed, and they are generally under control of the Minister through the Commissioner.

Building Societies.—The object of Act 62 is to provide for the registration, incorporation, regulation, management and dissolution of building societies. The Act applies to all building societies, of which a number are now carrying on operations in the Union. The Act establishes an officer called the registrar of building societies, with his office at Pretoria. A building society must consist of seven or more members and may be either a permanent society or a terminating one. In the case of a new society a copy of the rules must be submitted to the Registrar, who decides whether the society is entitled to registration or not. If it is registered, he issues it a certificate stating that it has been registered and whether it is a permanent or a terminating society. Existing societies that conform with the law may also be registered under the Act. Provision is made for an appeal from a refusal to register the society to the Minister of Finance, whose decision is subject to further appeal to the Supreme Court. The Act also provides for provisional registration, the furnishing of returns, changes of name, cancellation and suspension of registration, etc. Every society must have its head office in the Union and must make a deposit of money or securities with the Treasury. Provision is made for the making of rules and their amendment, and generally as to the powers of societies, deposits, the investment of their funds, the nature and contents of their annual accounts and the duties of the auditor. On the application of 100 members of a society the registrar may appoint an inspector to examine into and report upon the affairs of the society. A judicial manager may be appointed. Societies may amalgamate and they may be wound up either voluntarily or on the order of the court. Unregistered societies may not carry on the business of a building society.

Status of the Union.—The most important Act from a constitutional point of view was No. 69, which is one "to provide for the declaration of the Status of the Union of South Africa; for certain amendments of the South Africa Act, 1909, incidental thereto, and for the adoption of certain parts of the Statute of Westminster, 1931." S. 2 provides that "the Parliament of the Union shall be the sovereign legislative power in and over the Union, and, notwithstanding anything in any other law contained, no Act of the Parliament of the United Kingdom and Northern Ireland passed after the eleventh day of December, 1931, shall extend, or be deemed to extend, to the Union as part of the law of the Union, unless extended thereto by an Act of the Parliament of the Union." S. 3 adopts certain portions of the Statute of Westminster, with an Afrikaans translation, as an Act of the Union Parliament, and s. 4 provides that in regard to any aspect of the Union's domestic or external affairs, the King shall act on the advice of his South African Ministers. There are consequential amendments of the South Africa Act, with regard to the title of the King, the recognition of Union nationality, the Royal assent, reservation of Bills, etc. The sections of the Statute of Westminster which are adopted are 1, 2, 3, 4, 5, 6, 11 and 12.[1]

Royal Executive Functions and Seals.—Act 70 provides for the Royal Great Seal of the Union and the Royal Signet, both to be of a design and size approved of by the King. In the case of the change in the person of the Sovereign, the then existing seals shall continue to be used until new ones have been struck. The Prime Minister or, in his absence, his deputy, is the keeper of the Great Seal and the Signet. All executive acts of the King must be expressed in writing under his sign manual and be countersigned by one of his Ministers for the Union. The Great Seal or the Signet, as the case may be, is affixed by the Keeper of the Seals. The Act further provides for the making and use of wafer seals representing the Great Seal, for the Governor-General to act on behalf of the King, and for the vesting of powers of the King in Council under Imperial Acts in the Governor-General in Council. This, however, does not apply to appeals to the Privy Council under s. 106 of the South Africa Act.[2]

2. CAPE OF GOOD HOPE.

[*Contributed by* MR. ADVOCATE A. J. PIENAAR.]

1932.

Education.—The capitation grants provided for by s. 271 of Ordinance No. 5 of 1921 as substituted by Ordinance No. 17 of 1930, in respect of pupils in boarding departments, were reduced by Ordinance No. 3 for a period of twelve months. Ordinance No. 7 of 1933 extended the period until March 1934, and this was again extended to 1935 by Ordinance No. 3 of 1934. Ordinance No. 12 exempts from rates property vested in the Educational Trustees and used for boarding departments. Where municipal services are not covered by a general rate they must be paid for by the Administration.

Game.—Ordinance No. 13 amends the Game Laws (1886–1908) and Act, 1909, by prohibiting the shooting of game by artificial light.

Local Government.—The annual amending Ordinance of Ordinance No. 10 of 1912 (the Cape Municipal Ordinance) is Ordinance No. 25. Its most important provision is to be found in s. 8, which enables municipalities, excepting two specified, to exempt owners of land abutting on roads and streets from paying construction charges. A council may also contract with a person in its employ to pay him an annuity on retirement (ss. 9 and 10), and under s. 11 it may transfer a cemetery to a Cemetery Board.

Ordinance No. 16 empowers the Douglas Municipality to impose differential rates in respect of land on its outskirts. These rates are to be increased according as different municipal services become available to such land. The importance of this Ordinance lies in the fact that by

---

[1] The Status Act is discussed by Professor A. Berriedale Keith in the *Journal* for November 1934 (vol. xvi, pt. iv).

[2] This Act is also discussed in the *Journal* for November 1934.

Ordinance No. 13 of 1934 the Administrator is empowered to apply its provisions to any other local authority.

Finance.—Just as Ordinance No. 26 of 1931 reduced the salaries of teachers by 7½ per cent., so Ordinance No. 18 of this year reduces the salaries of hospital and school board officials by the same percentage. Its terms are very similar to those of its predecessor. An interesting feature is to be found in s. 5, which makes the Administrator sole adjudicator on any question arising under the Ordinance. Ordinance No. 23 further increases the tax on betting on horse-racing, and No. 30 does the same in regard to the entertainments tax. Ordinance No. 31, while it repeals the Persons and Companies Income-tax (No. 31 of 1931), reimposes those taxes, and in addition imposes a tax which is commonly known as the " Personal Tax." It follows very closely similar Ordinances in the other Provinces. The tax, which applies only to persons over twenty-one years, is assessed as follows : Married persons whose income is £200 or more pay £1 plus 2*s.* 6*d.* for every £10 over that amount—maximum tax £3 ; single persons whose income is £150 or more pay the same rate, rising in the same scale to a maximum of £5. In addition, married persons pay 15 per cent. of the normal and 20 per cent. of the super-tax on incomes, while unmarried persons pay 22½ per cent. and 30 per cent. respectively. As already stated, the tax on companies is re-enacted. Allowances are made for dependents. Employers are to furnish returns showing the incomes of their employees, and in certain circumstances the personal tax can be recovered from the employer.

1933.

Education.—Three short amending Ordinances were passed, viz. Nos. 3, 9 and 24. Ordinance No. 3 contains certain administrative changes and s. 5 suspends, until April 1, 1934, the leave privileges of teachers of less than fifteen years' service, which had been introduced by Ordinance No. 17 of 1930. Ordinance No. 24 substitutes a new section for s. 263 of the parent Ordinance (No. 5 of 1921), and prescribes more clearly the basis on which grants may be made in respect of school boarding-houses (other than indigent boarding-houses) for rent and interest on capital costs of construction.

Interpretation Ordinance.—The Interpretation Ordinance (No. 4 of 1911) is further amended by Ordinance No. 4, which adds a proviso to the definition of " Administrator." The effect is that whenever by law his assent or approval is required and he is unable to consult the Executive Committee, he may in anticipation assent or approve and obtain the Committee's consent at a later stage.

Municipal.—Ordinance No. 6 validates certain contracts made by municipal councillors and members of the staff to buy petrol from municipal stores at cost price. In the case of *Ebrahim* v. *Abdurahaman and Others* [1] the court had declared such contracts illegal, even though it appeared that petrol was obtained for use in connection with the municipalities' affairs, and that it was more advantageous than paying transport allowances. In consequence of this decision it was felt that a large number of councillors would be unseated and members of the staff would become permanently disqualified. This decision was also the reason for the amendment to the Interpretation Ordinance noted above. The Administrator had, under Ordinance No. 20 of 1918, condoned the breaches of s. 46 of Ordinance No. 10 of 1912 in anticipation of a meeting of the Executive Committee, and this was pronounced to be of no effect. Ordinance No. 33, among other administrative amendments to the parent Ordinance, amends s. 45 by removing the assignment of his estate for the benefit of creditors as a disqualification for election as a councillor, and makes clear that in the case of a municipality divided into wards the period of office of newly elected councillors begins when the election for all wards has been completed. S. 9 prohibits a council when advertising a vacant post from asking applicants to state the salary for which they are willing to accept the post.

---

[1] 1933 C.P.D. 249.

Hospitals.—Ordinance No. 16 empowers hospital boards to borrow money for the purchase of equipment.

Finance.—Ordinances Nos. 7 and 30 extended the period of reduction of salaries for another year, as well as of other economy measures.

Ordinance No. 8 extends the scope of derating in respect of playing fields vested in schools, colleges, the Educational Trustees and universities.

Ordinance No. 31 reduces the tax on immoveable property to 1*s.* 4*d.* in the £. Since the tax was first imposed in 1918 it had been fixed annually at 3*s.* 8*d.* Ordinance No. 12 amends No. 31 of 1932 (the Personal Tax and Income-tax Ordinance) by improving the machinery for collection and making the exemptions clearer.

1934.

Pensions.—Ordinances Nos. 16, 17 and 23 amend respectively Nos. 5 of 1931, 17 of 1931 and 9 of 1931 in regard to temporary pensions and the determination of the dependents to whom benefits may be paid in the case of the death of the pensioner. No. 23 also makes other amendments in the parent Educational Ordinance, No. 5 of 1921, and provides comprehensively for pensions for teachers in Coloured schools. The scheme follows closely the provisions of Ordinance No. 9 of 1931.

Game.—No. 24 makes illegal the pursuit of game by means of any motor vehicle.

Vermin Extermination.—Ordinance No. 25, besides making certain changes in the Vermin Extermination Ordinance No. 10 of 1927, reintroduces the subsidies to be paid by the Administration which during the few preceding years of financial depression had been abolished.

Betting on Horse-racing.—Ordinance No. 15 gives relief to the smaller racing clubs by granting exemption from the totalizator tax on the first £200 of gross takings. The bookmaker's licence in the smaller towns and the tax on winning bets are also reduced.

Personal Tax.—Ordinance No. 31 amends No. 31 of 1932 as amended by No. 12 of 1933, by reducing, in the case of married persons, the initial tax from £1 to 10*s.*, and raises the exemption to £250.

Liquor Licences.—The Liquor Act, 1928, prescribed the licence fees payable by licensees in respect of different classes of business. The amending Act, No. 41, reduces the licence fee in an urban area with a voters' roll of less than 1,500 voters to one-half and in any rural area to one-fifth. This amendment would have entailed a serious loss of revenue to the Provinces—the receipts from liquor licences being allocated to them—but fortunately a proviso to s. 12 of the principal Act was added, whereby a provincial administration was empowered to fix its own scale. In consequence, Ordinance No. 32 was passed, fixing a scale according to the turnover of the business concerned. The schedule sets out the different charges. A minimum is fixed with a percentage increase calculated on the amount of purchases of stock during the preceding twelve months up to a prescribed maximum.

Local Government.—The parent Ordinances governing the different kinds of local authorities were, as usual, amended. Ordinance No. 34 makes numerous changes in the parent Ordinance No. 10 of 1912, the most important of which are: amendment of s. 46, which prohibits councillors from contracting with the council. S. 3 of this Ordinance excludes from the operation of s. 46 the purchase of municipal stock, or the supplying or rendering by the Council of any goods or services commonly supplied or rendered to the public and the prices whereof are fixed by regulation or resolution. Similar provision is made by Ordinances No. 21 (Village Management Boards), No. 18 (Local Boards) and No. 27 (Divisional Councils). Ss. 4 and 5 provide for the postponement of the filling of an extraordinary vacancy on the council to the following annual election. The powers of a council to make regulations are further extended. S. 206 is amended so as to give power to a council to make grants from rates extending over a period of years to undenominational schools; the provisions in regard to fire brigades are also considerably altered, the main change being to empower a council to apportion the costs of fighting a fire among adjoining property owners. The object of this was to deal with mountain fires on a more equitable basis.

The Divisional Councils Ordinance, No. 27, in addition to the amendment noted above, makes certain other changes worth recording. The life of a council has been extended from three to five years. For this purpose the parent Ordinance, No. 13 of 1917, received a number of amendments. The provisions in regard to rating have been amended so as to exempt sub-economic and municipal housing schemes. A new section has been inserted to follow s. 182 prohibiting the closing of roads and public places shown on plans and diagrams without the consent of the council, and similar power is given to make grants from rates to schools as in the case of municipalities.

The Village Management Boards Ordinance, No. 21, besides the amendment already noted under municipalities, gives power to the Administrator, in the case of a Board having more than 700 voters, to apply the ballot regulations of a divisional council for the election of members, and it also gives powers similar to those of a municipal council for the purpose of constructing and maintaining sewerage and drainage works.

Tramways.—The public tramways of the city of Capetown have been owned and operated by different companies under their own Acts of Parliament. While the companies still exist, they are operated jointly. Recent developments in road transport have shown that the trams used to-day on rails are out of date. In order to provide for trackless trams legislation was necessary. After much negotiation between representatives of the companies and the City Council, Ordinance No. 35 (Private) was agreed upon, and in spite of some opposition by some of the bus companies, passed by the Provincial Council. It provides for the gradual introduction of trackless trams on specified routes over a period of years.

Town Planning.—Another Ordinance of major importance and considerable bulk was Ordinance No. 33. It repeals the original Townships Ordinance, 1927 (excepting two sections), but re-enacts with amendments most of its provisions and makes numerous improvements.

3. NATAL.

[*Contributed by the* HON. MR. JUSTICE LANSDOWN.]

Eleven Ordinances were passed by the Provincial Council of Natal during the calendar year 1934. Of these three were ordinary appropriation measures.

Public Health.—Ordinance No. 3 further amends the Health Committee Ordinance, No. 14 of 1930. Additional powers are conferred upon the Administrator to make regulations for any Health Committee providing for the establishment and maintenance of cattle-dipping tanks, for the granting of permits for the use of the amenities of commonage, for the imposing of certain fees or other charges and for the determination of a system of rating and matters incidental to the imposition and collection of rates. Provision is also made whereby a Health Committee may be disestablished, or converted to a Malaria Committee functioning under the Health Committees (Malaria) Ordinance, 1932.

Private Townships.—Ordinance No. 10 was passed to regulate the establishment of private townships ; to control the subdivision of land for residential, industrial, occupational and similar purposes ; and to provide for town-planning. A Private Townships Board is established consisting of the Surveyor-General, the Registrar of Deeds, an officer of the Provincial Administration to be appointed by the Administrator, a nominee of the Natal Municipal Association and not more than three other persons to be appointed by the Administrator. Henceforth any person desiring to establish a private township must make application to the Provincial Administration, submitting plans and all necessary particulars. After due publication, and notice to persons concerned, the Board fixes a date for the consideration of the matter and, after hearing reports, to the Administrator, who may either grant the application with or without conditions, or refuse it, or postpone his decision. With its report the Board is required to furnish theAdministrator with particulars upon certain specified matters.

A private township is defined to mean any area of land (other than an area of land laid out as agricultural holdings or farming lands, provided that each of such holdings is not less than five acres in extent) registered as one or more pieces of land either contiguous or in close proximity to each other which is being or is intended to be laid out or divided into sites for residential, business, industrial, building, occupational or similar purposes or for urban settlement arranged in such a manner so as to be intersected or connected by or to abut on streets, thoroughfares, rights of ways, squares or open spaces.

Chapter IV and the schedule to the Ordinance are concerned with town planning. Any local authority other than a Health Committee may appoint a town-planning committee and prepare a town-planning scheme for its area. In the preparation of the scheme regard must be had to the various considerations set out in the thirteen paragraphs of the schedule. Any such scheme is submitted to the Administrator, who refers it to the Private Townships Board, which, after due publication, hears and considers the application and objections thereto and submits its recommendations upon the scheme to the Administrator, with whom the final approval of the proposal rests.

Local Government.—Ordinance No. 4 amends the Local Urban Areas Administration Ordinance, No. 4 of 1926, by enabling a Board constituted thereunder to make by-laws exempting from rates, either wholly or in part, any land used solely for agricultural or pastoral purposes and buildings of specified classes used in connexion therewith. Ordinance No. 5 amends the Townships Ordinance of 1926 by conferring upon bodies constituted thereunder power to make by-laws concerning tariffs of charges for the supply of water.

The remaining three Ordinances are concerned with local government in the boroughs of Pietermaritzburg and Durban. Ordinance No. 8 empowers the City Council of Pietermaritzburg to transfer certain land held in trust for a public park, and in exchange to transfer certain other land to itself in similar trust. Ordinance No. 9 amends in certain respects the Boroughs Ordinances of 1924 in so far as it relates to Pietermaritzburg and its council, and confers additional powers upon that council. These powers include the regulation of saw-mills, the utilization of moneys borrowed for tramways for the purchase of motor omnibuses, the exemption from rates of certain land used for sport and recreation, the establishment of parking areas for motor vehicles and the suspension of the issue of licences and certificates of approval therefor. Ordinance No. 11 amends in a number of respects Ordinances Nos. 19 of 1924 and 16 of 1931 with the purpose of conferring additional powers upon the town council of Durban. These include, *inter alia*, power to deal with the surplus in the Bay Embankment Sinking Fund of the borough and to adjust that fund in certain respects.

4. ORANGE FREE STATE.

[*Contributed by* H. PRING, ESQ.]

Ordinances passed—12.

In 1934 the Provincial Council of the Orange Free State passed twelve Ordinances—of these three were Appropriation Ordinances (Nos. 1, 2 and 8).

Teachers' Pension Fund.—The object of Ordinance No. 3 is to meet the difficulties raised by the judgment in the case of *Roux* v. *The Orange Free State Provincial Administration*, 1933, *i.e.* to regularize the admission of certain persons to the teachers' pension fund and to provide that any person so admitted shall, from the date of admission, cease to have any claim to a gratuity.

Small Holdings.—Ordinance No. 4 (*a*) regulates the subdivision of farms in the neighbourhood of urban areas into small-holdings, and (*b*) provides for the establishment of a suitable form of local government in respect of "settlements" of adjacent small-holdings, the election (or appointment) of committees of management in respect of such settlements and the assignment of certain powers and duties to such committees.

Repeal of Laws.—The text of Ordinance No. 5 follows as nearly as possible the Cape Statute Law Revision Act, 1934, passed by the Union Parliament. Provision is made for the specific repeal of those Ordinances of the Orange Free State which have been repealed otherwise than specifically or which are no longer required.

Shop Hours.—The object of Ordinance No. 6 is to ensure that the shops of purveyors of certain essential foodstuffs (meat, bread and fish) may be opened and may be kept open until 9 a.m. on Sundays and public holidays without regard to the weekly half-holiday.

Pounds.—Ordinance No. 7 (*a*) ensures that stock, when being impounded, is sent to the nearest pound, no matter in what district such pound is situated, and (*b*) authorizes the holding of a pound sale "on the next following business day" when the day on which such sale is to be held falls on a public holiday.

Auction Dues.—Ordinance No. 9 re-enacts in an amended form the provisions relating to the levying and collecting of auction dues, contained under the head "Auctioneer" in Schedule 1 to Ordinance No. 15 of 1921 (as amended) and the provisions contained in Ordinance No. 4 of 1926 relative to the establishment of wool auction marts.

Licences Control.—Certain provisions of Ordinance No. 15 of 1921 have been superseded by Union Legislation.[1] Ordinance No. 10 re-enacts, with amendments, such provisions of the original Ordinance (apart from those covered by Ordinance No. 9 of 1934 (Auction Dues)) as have not been superseded.

Wheel Tax.—The objects of Ordinance No. 11 are to provide for a change over from the tax year hitherto in force (April 1 to March 31, with a period of grace up to August 31) to the calendar year (January to December, with a period of grace to March 31).

Motor Vehicles.—Ordinance No. 12 makes provision: (*a*) for a change over from the tax year hitherto in force (April 1 to March 31, with a period of grace up to August 31) to the calendar year, with a period of grace up to March 31; (*b*) for the recognition in the Orange Free State of international vehicle certificates and driving permits issued in a state of territory which is a contracting party to the International Convention relative to Motor Traffic (Paris 1926); and (*c*) for bringing the Orange Free State definition of "weight" into line with that in force in Transvaal.

5. TRANSVAAL.

[*Contributed by* A. A. HOPE, ESQ.]

Fourteen Ordinances were passed, of which four dealt with appropriation.

Road Traffic.—Ordinance No. 11 introduces a new principle. Hitherto reckless or negligent driving constituted an offence under the Motor Vehicles Ordinance of 1931. The criteria of negligence are, however, difficult to fix. The new Ordinance, therefore, defines the duties of the driver of a vehicle in relation to the rule of the road, overtaking and cutting in, cutting corners, giving signals of intention to stop or turn to the right, backing and entering public roads. No new principle of road manners is introduced, but a failure to come up to a prescribed standard entails a fine which may be as high as £50 or alternatively six months' imprisonment.

Education.—This Province is bi-lingual and speakers of the two languages are intermingled, consequently the language used as the medium of instruction in schools has given rise to difficulties. An Ordinance of 1911 provides that children shall be taught through the medium of their home language. In practice parents made a declaration to the school principal of what the home language was; this was often patently false. For a variety of reasons some parents wished their children to be educated in a language not their own. Parents are often bi-lingual, but the children speak only one language. The administration directed that teachers should test the child and declare the home language should be whatever official language was best known to the child. The reason for this was the educational theory that a child learns best in the language it knows best. These directions were tested in the courts and declared *ultra vires*.[1] This Ordinance (No. 9) was accordingly passed to define that home language means the language better known and understood by a child. The teacher is to test the child and decide which is the home language, but an aggrieved parent has a right of appeal to an inspector, whose decision is final. Where a child has an approximately equal knowledge of both languages, the parent may decide in writing which language is the home language, but where the child's knowledge of the two languages is not equal, the teacher, the parent and the inspector must consult and the inspector's decision will then be final.

---

[1] *Vide* the Licence Consolidation Act, 1925, the Medical, Dental and Pharmacy Act, 1928, the Liquor Act, 1928, etc.

Other legislation is of a minor nature, introducing small amendments into existing Ordinances.

Pensions.—The general principle of giving a pension to all salaried officials, including those employed by independent subordinate bodies, has been extended by amendments to the Ordinances controlling the grant of pensions to hospital nurses, hospital officials and school board officials.

Local Government.—The powers of municipalities to deal with nuisances and to control the parking of vehicles have been extended by two Ordinances amending the Local Government Ordinance.

The Town Planning Ordinance of 1931 has been extended to cover any locality outside a municipality where urban conditions exist or are projected. In such cases the owner must furnish a plan of his project to the Administrator, who will have power to declare the area an urban area and subject to the general provisions of the Town Planning Ordinance of 1931. Subdivision of land in an urban settlement is made subject to the consent of the townships board.

6. NORTHERN RHODESIA.

[*Contributed by* ALAN ROE, ESQ., *Acting Solicitor-General.*]

Nineteen Ordinances were passed by the Legislative Council during its single session in 1934, the more important measures being:

Registration of United Kingdom Patents.—Ordinance No. 17 provides for the abolition of the registration of patents granted in Southern Rhodesia, but re-enacts the principle that in Northern Rhodesia patent rights should depend upon a patent issued in the United Kingdom rather than on any original application in the Territory itself.

Native Tax.—Ordinance No. 3 increases the power of district officers to exempt natives from payment of tax, and also reduces the maximum term of imprisonment to one month, or, in cases of flagrant and persistent offenders, six weeks.

Non-native Personal Tax.—Ordinance No. 19 imposes an annual tax of £1 on every non-native, exclusive of married women living with their husbands, who has reached the age of twenty-one years. A district officer is empowered, subject to the general or special directions of the Governor, to remit the tax wholly or in part on the ground of poverty of the person liable to pay the same, or on the ground that the tax is oppressive, or for other good cause, and may also for like reason refund the tax or any part of the tax.

---

[1] *De Bruin* v. *Director of Education*, (1934) A.D. 252.

Trades Licensing.—Ordinance No. 14 requires a licence to be taken out by an insurance agent where such person does not ordinarily reside in the Territory.

Municipal Corporations.—Ordinance No. 18 tightens up the provisions of the law in regard to the disqualifications of certain persons for membership of municipal councils, on the lines of the (English) Local Government Act, 1933, and, in addition, extends the statutory period within which a valuation of assessable property should be made. The Ordinance also transfers to municipal councils the collection of licence fees for native-owned dogs within municipal areas.

Legislative Council.—Ordinance No. 7 provides that a person who has been convicted of a crime punishable with imprisonment for six months or longer shall be disqualified for election, or, if the offence has been committed after election, for sitting or voting.

Bank-notes and Coinage.—Ordinance No. 12 legalizes the tender in Northern Rhodesia of silver, cupro-nickel and bronze coins issued by the Government of the Colony of Southern Rhodesia.

Income-tax.—Ordinance No. 4 ensures that expenditure on a single renewal or replacement of equipment exceeding in cost £2,000 shall be treated as capital expenditure and not as working expenses. The Ordinance also implements a recommendation of the Taxation Committee that the abatement in respect of dependents be increased to £100, which is the amount allowable in respect of children.

7. SOUTHERN RHODESIA.

[*Contributed by* R. J. MORTON, ESQ., *Solicitor-General.*]

After the general election of 1933, Mr. Huggins, leader of the Reform Party, formed a government which, if the other parties ever united in opposition, could command a majority of only two in the Legislative Assembly. Consequently the legislative programme for the first session of the Third Parliament was restricted to measures which were sure of general approval. Only nineteen public Acts were passed, and many of them were of a temporary nature.

Agriculture.—Weekly dipping of cattle had been compulsory throughout the Colony for sixteen years, and had the desired effect of stamping out African coast fever in nearly all districts. But in a time of agricultural depression it was felt to be expensive to the individual farmer and veterinary opinion was favourable to some relaxation of the control. Act No. 7 makes it compulsory to maintain cattle free from tick infestation, but does not, except for certain areas, directly enjoin the means which must be used to achieve that result. Consequently in areas which are free from the disease and are comparatively free from tick infestation during the winter months cattle owners will be able to comply with the law by hand-dressing or by dipping at longer intervals than seven days. If, however, African coast fever breaks out in any district, the Minister may by order make weekly dipping compulsory for that district and cannot withdraw his order until at least three years after the last known case of the disease has occurred. As a precaution against the spread of disease at cattle markets, weekly dipping is enforced in the vicinity of towns and villages. There is also a local option clause, which enables a majority of cattle owners in any area to make dipping compulsory in their area during any months of the year when they may consider it necessary.

By Act No. 17 the system of compulsory control of the marketing of maize and maize meal, which was introduced into certain parts of the Colony in 1931, is extended to the whole Colony until 1936. It also introduces a new system of quota participation in the proceeds of the local and export markets. The price of maize in the local market is artificially controlled, and in that market the quota system gives to the European grower a share which varies inversely with the size of his crop. The object, of course, is to assist small growers to remain on the land and at the same time to reduce surplus production which is in excess of local requirements and must be exported at a loss. The differentiation against the native producer, which appears for the first time in this Act, is worthy of notice. The native grower who trades his maize to a local trader, usually by barter, will receive no interest in the local market and therefore cannot expect more than the export price. If, however, he surrenders his crop to the Maize Control Board, he will receive, not that interest in the local market to which a small crop would entitle a European grower, but a share computed in accordance with the average interest received in that year by all European growers, large and small. Quite apart from the difficulty of applying the quota system to the small native producer, this differentiation is justified by its authors on the ground that, as a result of his low cost of production and advantageous system of land tenure, the native grower does not need the same measure of assistance as the European grower needs in order to keep him on the land.

Other agricultural measures are only temporary. Act No. 5 is an emergency measure designed to prevent surplus flue-cured tobacco, resulting from heavy crops, from being offered for sale too early and so depressing the market. It provides for compulsory surrender of a proportion of every grower's crop to a central pool, which will be held by a Board of Control till an opportune moment for sale. Act No. 9 imposes a tax of 3*d*. per head on all cattle in the Colony in order to provide bounties for the export of beef.

Financial.—Income-tax remains at the same level and the gold-mining industry is again specially taxed on the gold premium by Act No. 18; encouragement is given to new development work by a new provision allowing a rebate on the tax where expenditure on development can be proved.

Industrial Conciliation.—Act No. 10 was the most important of the session. It is modelled on the Industrial Conciliation Act, No. 11 of 1924, of the Union of South Africa, which was fully described in this *Journal*.[1] In addition to many minor differences from the Union law in detail, there are two noticeable features which are peculiar to this Act. Natives have no part in the industrial councils or conciliation boards which may be established under this law, and therefore they cannot be bound by their decisions; consequently it might be possible to defeat the objects of any agreement by the use of cheap native labour. If the Minister is satisfied that there is danger of such a result, he may fix the rates of wages and conditions of employment of natives in the undertaking, industry, trade or occupation concerned, but he must first be satisfied that the rates so fixed are " neither so low as to lead to the defeat of any object of such agreement nor so high as to be likely to deprive natives of such reasonable prospects of employment in the undertaking, industry, trade or occupation concerned as would have been open to them if such agreement had not been made." It will be interesting to see whether this theoretical ideal can be reached in practice. The other important point is that industrial councils are given power to formulate and enforce conditions of apprenticeship and factory conditions in their own industries. If they do this in accordance with the spirit of the Act, there should be no need for direct legislative interference in these matters.

---

[1] See Third Series, vol. viii, pt. ii, p. 178.

Miscellaneous.—Act No. 2 reproduces almost verbatim the terms of the Carriage by Air Act, 1932, of the United Kingdom. Act No. 3 allows all retail liquor bars to remain open till 11.30 p.m.

BRITISH EMPIRE.

VII. BRITISH INDIA.

[*Contributed by* A. N. BHANDARI, ESQ., I.C.S.]

The year 1934 witnessed no violent or subversive political activities and was on the whole one of optimism. The pall of financial depression showed signs of lifting and indications of a revival of trade, though slight, were noticeable. The Civil Disobedience Movement defeated in 1932 and discredited in 1933 was formally discontinued in 1934.

The decadence of the Civil Disobedience Movement heralded an era of intense legislative activity. One of the features of the latter part of 1933 was the growth of a more constructive or co-operative political spirit throughout the country. This spirit was fully maintained during the year 1934 and respite from the agitations of previous years enabled legislators to give their attention to the many pressing economic problems of the day.

Two very important measures were passed during this period, namely Act No. 2 known as the Reserve Bank Act and Act No. 12 known as the Indian Tariff (Textile Protection) Amendment Act, 1934. The first of these constitutes and erects a Reserve Bank and brings India into line with the other important countries of the world where the currency and credit system is controlled and regulated by central banks of issue. Act No. 12 implements the Indo-Japanese trade agreement and with it the agreement arrived at as the result of unofficial discussions with the representatives of Lancashire cotton interests.

Another measure of importance was a new Factories Bill. The Factories Act dates, more or less in its present shape, from July 1922. Owing to the change in conditions brought about by the passage of time it was realized that new legislation was necessary and a new Factories Bill was introduced and passed.

Legislation designed to relieve or at least to distribute the incidence of the prevailing depression still continued though the immediate urgency had passed. Several of the provincial Legislative Councils undertook important measures aiming at easing the situation of agricultural debtors.

No occasion arose during the year for the use by the Governor-General or any of the Provincial Governors of the powers of recommendation and certification under ss. 67B and 72E of the Government of India Act.

1. ACTS OF THE INDIAN LEGISLATURE.

Banking.—The object of Act No. 2 is to set up a Reserve Bank for India. The Federal Structure sub-committee of the first Round Table Conference recommended that " with a view to ensuring confidence in the management of Indian credit and currency . . . efforts should be made to establish on sure foundations and free from any political influence, as early as may be found possible, a Reserve Bank, which will be entrusted with the management of the currency and exchange." The new Reserve Bank, which is a bankers' bank of India, is a shareholders' bank with a majority of elected members on its electorate. It will in course of time take over most of the functions of the Currency Department including the management of the note issue and reserve.

It was recognized since the plan of setting up a Reserve Bank for India was first considered, that with the transfer to a Reserve Bank of the purely central banking functions which are at present performed by the Imperial Bank of India, the latter should be freed from some of the restrictions which were imposed on it by the original Imperial Bank Act. Of these one of the most important was the prohibition on dealings in foreign exchange. By Act No. 3 the Imperial Bank is authorized to enter into an agreement with the Reserve Bank of India to conduct Government business as agent of the Reserve Bank.

Finance.—The Finance Member produced a Finance Act (No. 9) of four pages only in which the income-tax, super-tax and salt duty are continued. The rates of import duty on cigarettes are modified; import duty on unmanufactured tobacco is increased; import and excise duties on silver are reduced; export duty on hides is abolished; postage on letters not exceeding half a tola in weight is reduced; and the minimum charge on book, pattern and sample packets is increased. Act No. 10 extends the life of the Salt (Additional Import Duty) Act 1931 for a further period of thirteen months subject to a certain modification. Act No. 29 amends the Income Tax Act, 1922, so as to provide that when an income doubly taxed in the United Kingdom and British India has obtained relief in the United Kingdom, the balance of relief obtainable in British India shall not exceed the difference between the rate at which relief was obtained and the rate at which the tax was paid in that one of the two countries in which the rate of taxation was lower.

Industrial Protection.—Act No. 4 extends for a further period of one year the protection to home-grown wheat granted in 1931 by Act No. 15 of that year.

The Safeguarding of Industries Act, 1933, was designed to help Indian industries against the excessive and unfair competition of countries which were getting their merchandise at such abnormally low prices that the existence of industries established in British India was thereby endangered. The application of that Act might possibly have involved discriminatory action against Japan—a course which by reason of the existence of a most-favoured-nation clause in the Indo-Japanese Trade Convention was barred until such time as the notice of denunciation of the Convention expired on October 10, 1933. Before that date negotiations for a new agreement with Japan had been entered upon, and the Indian delegates in the negotiations decided to examine the possibilities of safeguarding Indian industries without discriminatory action against Japan. The Indian Tariff (Textile Protection) Amendment Act (No. 12) gives statutory effect to the new trade agreement with Japan and the unofficial agreement between representatives of the Indian and United Kingdom textile industries.

The protection afforded to the steel industry in India by the Steel Industry (Protection) Act 1927 was to expire in October 1934. In accordance with the provisions of that Act an inquiry as to the extent to which it was necessary to continue protection to the industry and as to the manner in which any protection found necessary should be conferred, was made by the Tariff Board. The Board gave expression to the confident expectation that the industry was in a fair way towards standing on its own legs without any protection. Its recommendations involved a very considerable reduction in the level of import duties in certain important cases with a resultant reduction in the revenue derived from duties of customs. Act No. 31 gives effect to the protective measures recommended by the Board. In order to make good the reduction in the revenue derived from duties of customs the measure imposes an excise duty on the production of steel and ingots in British India and a countervailing customs duty equivalent to the excise duty on steel ingots. The countervailing duty is additional to the protective duties recommended by the Board and alternative to the *ad valorem* revenue duties on articles in respect of which protection has not been afforded.

Excise.—Act No. 14 imposes an excise duty on sugar produced in factories in British India. Different rates of duty have been fixed for *Khandsari*, *Palmyra* and other sugars.

Act No. 16 imposes a similar duty on matches. In view of the principle laid down by the Tariff Board that an excise duty should not be allowed to trench on the degree of protection required for the match industry, the customs duties on matches were revised so as to comprise rates maintaining the existing measure of protection for the Indian industry over and above the equivalent of the new excise duty.

With the imposition of a considerable duty on matches it was feared that there would be an abnormal development of the use of mechanical lighters. In order to prevent a loss of duty and interference with the business of the Indian match manufacturing industry, Act No. 23 was enacted. It imposes an appropriate excise duty on mechanical lighters and correspondingly enhances the customs duty.

Customs Tariff.—Act No. 32, which consolidates the law relating to customs tariffs, is one of the greatest legislative achievements of the year. The schedule of import duties contained in the Indian Tariff Act, 1894, had under the influence of a long succession of amending Acts, become amorphous and the numbering of the items had lost its serial character. The classification of articles was far from scientific, and in order to ascertain the amount of duty imposed on many of the items contained in the schedule and the duration of the duty, it was necessary to collate the Act with various other enactments. Act No. 32 consolidates the provisions of law in a multiplicity of enactments into one measure, thereby enabling the whole or parts of some fifty Acts to be repealed. The chief feature of the measure is a radical rearrangement on a scientific basis of the items set forth in the Tariff Schedule of 1894, enabling any particular item to be found without the use of an index, and affording a suitable basis for future modification or supplement by legislation. In adopting this arrangement advantage has been taken of the logical scheme of classification of commodities evolved by the Economic Committee of the League of Nations for general international use by countries imposing tariffs on imports. India is the first country in the world to frame its tariff on a model which is likely to be universally adopted.

Act No. 21 amends the Sea Customs Act, 1878. Under s. 42 of the principal Act, a drawback of seven-eighths of the customs duty paid on goods on importation was repayable at the time of re-export of the goods subject to certain conditions. In many cases—*e.g.* cars and cinematograph films—the goods spent much or most of their useful life in this country within the period allowed before re-exportation under claim for drawback. The amending Act enforces the ordinary accepted principle that customs duty is a tax on consumption. The repayment of duty as drawback in respect of goods which have been taken into use between importation and re-exportation can now be allowed only in accordance with rules framed by the Governor-General in Council in this behalf.

Commerce.—Early in 1934 negotiations took place between the representatives of the rubber producers throughout the world to consider the ways and means of improving the rubber industry. The aim of these discussions and negotiations was the regulation of the production and export of rubber in and from producing countries with the object of reducing world stocks to a normal figure, adjusting in an orderly manner supply to demand and maintaining a fair and equitable price-level which would be reasonably remunerative to efficient producers. An inter-Governmental Agreement designed to give effect to the projected scheme of rubber restriction which was evolved by representative associations was signed on behalf of India. Legislative action necessary to implement the terms of this Agreement was taken and Act No. 28 came into being. The Act covers a definite minimum period; it specifies the general export allotment separately for British India and for Burma (to be raised from time to time as conditions may require); it provides for absolute prohibition of planting and substantial limitation of replanting. The bulk of the Act is taken up with the prescription of machinery for giving effect to the provisions of the Agreement.

Act No. 30 supersedes the Indian Petroleum Act 1899, which was passed at a time when the use of petroleum, particularly of dangerous petroleum or petrol, was limited. As early as 1903 the attention of the Government of India was drawn to the inconvenience arising from the existence in different provinces of separate sets of rules to regulate the importation, possession and transport of petroleum. Act No. 30 confers the rule-making power on the Governor-General in Council. The whole law has been rearranged. In addition to the " Preliminary " portion and the final " Supplemental " chapter, the Act contains three separate chapters. Chapter I relates to the control of petroleum and Chapter II to its testing, while Chapter III contains the necessary general provisions and what may be described as criminal procedure.

Protection of Labour.—One useful measure of consolidation, viz. the Factories Act 1934, stands to the credit of the Simla session. The existing code of 1911 was heavily amended in subsequent years and to fit the new law into this old framework was too Procrustean a process. The new Act (No. 25) has a new arrangement, logical in sequence and clear in expression. The machinery is simple in its operation and has been designed to meet in a practical way many of the difficulties and differences which arise in factory management in relation to factory legislation. The measure is designed to give effect to the recommendations of the Royal Commission on Labour in India and deals with matters pertaining to the welfare and safety of individual industrial employees. The outstanding feature of the measure is a fifty-four-hour working week in factories. Other important sections deal with the health and safety of the workers and the employment of adolescents and children.

In deference to the views of the Local Governments and the bulk of non-official opinion the Trade Disputes Act 1929 was placed permanently on the Statute Book by the enactment of Act No. 13 of 1934.

Protection of Indian States.—Disturbances in a premier Indian State had necessitated the promulgation of an Emergency Powers Ordinance (No. 2 of 1932) and it was apprehended that agitations organized in British India against Indian States might become more frequent. The root of the difficulty was the fact that the protection which the Government afforded, not only to districts in British India, but also to foreign powers, against incursions by assemblies of persons intending to disturb their peace was denied to Indian States. It was demanded that this lacuna in our criminal law should be filled. The reasonableness of the demand could not be denied, for it was necessary to ensure (in view of the forthcoming constitutional changes) that the federating units should be secured from agitation from outside their borders. Act No. 11 contains a penal clause against conspiracies to overawe the administration of any State in India; it provides powers to stop press attacks in British India calculated to excite disaffection in the States, and empowers district magistrates to prevent organized bodies of men invading the States from British India.

Defence.—One of the measures which evoked hostile criticism was the Indian Army Act (No. 33). Prior to the enactment of this measure British officers of the Indian Army (that is officers holding the King's Commission) were subject to a British Statute, namely the Army Act, while the Indian personnel were subject to an Act of the Indian Legislature, namely the Indian Army Act, 1911. Act No. 33 provides for the changes in the constitution of the Indian Army rendered necessary by the progressive Indianization of the defence forces in India: in fact it makes complete provision for the Indian personnel of the Indian Army in one statute. Officers commissioned from the Indian Military Academy, Dehra Dun, are to be designated "Indian Commissioned Officers." The officers designated "Indian Officers" are in future to be known as "Viceroy's Commissioned Officers." The general and summary courts martial under the Indian Army Act are empowered to try Indian commissioned officers, whereas in the past they could try no person of higher rank than an Indian officer. As Indian commissioned officers are to hold commissions signed on behalf of His Majesty by the Governor-General, the power of dismissing such officers has been delegated to the Governor-General.

Act No. 34 provides for the application with suitable modifications of the Naval Discipline Act (29 & 30 Vict., c. 109) to the Indian Navy.

International Conventions.—Three enactments of 1934 gave effect locally to international conventions. Act No. 19 is designed to give effect in British India to the convention concerning the protection against accidents of workers employed in loading and unloading ships. The purpose of Act No. 20 is to implement the Warsaw convention for the unification of certain rules relating to international carriage by air. Act No. 22 enlarges the rule-making powers of the Governor-General in Council in order to meet modern developments in air navigation. It enables Government to give full effect to the provisions of the International Convention of 1919 and provides for certain other matters on which legislation had become necessary.

Supplementing Provincial Legislation.—Act No. 26 continues the authorization previously given to the Bengal Government to remove political detenues, for incarceration to other provinces of India. This measure removes the time limit in the Bengal Criminal Law (Supplementary) Act, 1932, in order to deal more effectively with the terrorist movement. Act No. 27 supplements the provisions of local legislation in Assam by conferring powers on the Calcutta High Court to entertain appeals from persons convicted by Commissioners under the Assam Criminal Law Amendment Act, and to confirm sentences of death passed by the Commissioners. The measure was necessary as it is not within the competence of a Provincial Legislature under the Government of India Act to confer jurisdiction on or take it away from a chartered High Court.

Miscellaneous.—A few miscellaneous statutes remain to be mentioned.

A private member's bill emerged as the Khaddar (Name Protection) Act. By trade custom and in common parlance the word "khaddi" means a handloom and the term "khaddar" applies only to the cloth woven by hand from yarn spun by hand. In order to popularize the cottage industry of spinning and weaving by hand several patriotic people were purchasing "khaddar" or "khaddi" even at a sacrifice. Unscrupulous manufacturers took advantage of the situation and inundated the market with spurious khaddar. Act No. 8 extends the protection afforded by the Merchandise Marks Act, 1889, to the names of "khaddar" and "khaddi."

The discovery of an occasional flaw in the heavy legislation which is enacted every year will cause no surprise. One is revealed by the Indian Medical Council (Amendment) Act (No. 5). "British Indian University" as defined in clause (*a*) of s. 2 of Act 27 of 1933 means any university in British India established by law and having a medical faculty. In the case of the University of Rangoon the body corresponding to the medical faculty was designated as "Board of Studies in Medicine" with the result that the university could not elect a member of the Indian Medical Council and its graduates could not participate in the election to the Medical Council. S. 2 of the amending Act makes Rangoon University a British Indian University and enables persons enrolled in the provincial medical register of Burma to exercise the privileges enjoyed by the medical graduates of other universities.

Act No. 15 empowers Local Governments to fix minimum prices for sugar cane purchased by or for a factory manufacturing "sugar." Initiative in the matter of fixing prices for cane is left to Provincial Governments who are also to declare controlled areas within which purchase of cane of factories is to be limited to growers of cane or licensed persons and societies at fixed prices.

Act No. 17 amends the Negotiable Instruments Act, 1881, so as to provide that the cheques originally drawn to bearer shall not lose their bearer character notwithstanding any endorsement thereon, whether in full or in blank, or whether such endorsement purports to restrict or exclude further negotiation or not. Under the law as it stood before the amendment a bearer bill could be legally changed to an order bill by endorsement, and it was incumbent on banks to examine all endorsements upon bearer cheques. This considerably increased their responsibility without any compensatory advantage to their constituents or to the general public.

Certain Provincial Governments were anxious that the status of trustee securities should be extended to debentures issued by Land Mortgage Banks and similar corporations, provided that both the principal and interest of such securities are unconditionally guaranteed by the Local Government concerned. The object was achieved by Act No. 18 which amends s. 20 of Act 2 of 1882.

2. MADRAS

Acts passed—12.

Local Boards.—The extremely unsatisfactory financial condition of a majority of the district and taluk boards in the Madras Presidency necessitated the enactment of Act No. 2 a somewhat drastic measure. The taluk boards are completely abolished and practically all their functions transferred to village panchayats. The Village Development Fund is superseded and the income from the 3 pies cess (formerly credited to the Fund) is apportioned between the panchayats and the district boards. Smaller district boards are constituted so as to make possible the supervision of the hundreds of elementary schools and panchayats.

Irrigation.—Act No. 5 empowers Government to carry out the repairs necessary to the non-Government tanks used as a part of the Periyar system of irrigation, after affording to the landholder or other person concerned an opportunity to establish that the repairs proposed are not needed or that less costly measures would suffice.

Estates Land.—Within a year of coming into force of the Madras Estates Land Act, 1908, which is the first enactment in the Presidency defining the substantive rights of the landholders and ryots, some defects came to light and an amending Act (Madras Act 4 of 1909) was passed. Since then other defects and difficulties inseparable from a first attempt were disclosed by numerous decisions of the High Court and the Board of Revenue and other sources. In 1913 the Government took up the subject of amending the Act, but the great war intervened. After the war ended the subject was again taken up and was continuously under the consideration of Government until the year under review, when the Madras Estates Land (Amendment) Act (No. 8) of 1934 was passed.

Land Mortgage Banks.—The committee on co-operation appointed by the Madras Government in 1927 suggested, among other matters, the amendment of the provisions of the Transfer of Property Act, 1882, for conferring on the mortgage banks the power of sale of the mortgaged property without resort to courts. They also recommended that the debentures of the central bank should be made trustee investments and that the Government should guarantee the interest on debentures for a specified period. Act No. 10 gives effect to these recommendations.

3. BOMBAY.

Acts passed—14.

Duty on Cotton.—Act No. 2 abolishes the town duty on raw cotton imported into the city of Bombay. The twofold reasons for abolition are firstly to prevent the diversion of trade from Bombay, and secondly to remove every hindrance to the demand for Indian cottons.

Maternity.—Act No. 5 gives effect to the recommendations of the Royal Commission on Labour in regard to the question of maternity benefit.

Court of Wards.—Act No. 7 empowers the Court of Wards to issue a certificate to the civil court executing a decree requiring the release of the property of a government ward to such extent and for such period as may be necessary in the interest of the estate of the said ward.

Trade Disputes.—Act No. 9 establishes a regular system of conciliation of disputes between the mill hands and the employers in the textile industry with the object of preventing, or at any rate reducing, strikes as far as possible. It provides for the appointment of a government labour officer to watch the interests of workmen with a view to promoting harmonious relations between employers and employees and representing the grievances of workmen to employers for the purpose of obtaining their redress.

Devadasis.—Act No. 10 has been enacted to terminate the practice of dedicating girls to Hindu temples for the purpose of service to the idol. The practice had degenerated mainly into a method of initiating young women to a life of immorality and prostitution which, in many cases, became compulsory by reason of the cruel custom that a girl so dedicated could not contract a valid marriage.

4. BENGAL.

Thirteen measures were passed by the Bengal Legislative Council as compared with eleven in 1933.

Terrorism.—The necessity for the enactment of Act No. 6 to prevent the smuggling of arms through the ports of Calcutta and Chittagong assumed particular importance in 1934 owing to an intense and widespread recrudescence of the activities of the terrorists and of armed robbers and dacoits. The efforts of the police against this class of smugglers led to the arrest of a number of seamen with arms when about to sell them to police officers in disguise. As it was extremely difficult to deal with these smugglers under the ordinary law *ad hoc* legislation was undertaken to deal with the problem.

Act No. 7 supplements the existing criminal law so as to enable the local Government to grapple more effectively with the terrorist movement. Some of the clauses are of a deterrent nature, but most are preventive and are the outcome of an endeavour to prevent the recruiting of young persons to the movement and to enlist the assistance of parents and guardians in saving those for whom they are responsible from being debauched by the terrorist groups.

Waterways.—Act No. 12 constitutes a Board of Trustees representing commercial and public opinion to take over the navigable waterways in Bengal from the Irrigation Department and to administer and maintain them throughout the Presidency.

Waqfs.—Act No. 13 has been enacted to provide for the recovery and proper administration of waqf properties in the Presidency of Bengal. It sets up a representative Board to control and supervise the administration of waqfs. Adequate provision has been made for appeals, reviews and references.

5. UNITED PROVINCES.

The Legislative Council of the United Provinces placed 27 measures on the Statute Book in 1934 as against 9 in the preceding year. The more important enactments aim at the relief of agricultural indebtedness.

Usurious Loans.—Act No. 23 amends the Usurious Loans Act, 1918. A court can act under s. 3 of the principal Act only if the interest be excessive and the transaction between the parties be substantially unfair.

Act No. 23 makes it obligatory on the court to take action if either of the two conditions is satisfied. The Act specifies the level of interest above which the rate should be considered excessive.

Landowners' Relief.—Act No. 25 is intended to assist landowners whose assets, if relief is given, are sufficient to discharge indebtedness. It applies only to the larger landlords whose land revenue, actual or nominal, is more than Rs. 300. If a landlord wants the Act applied to his estate a special judge, appointed for the purpose, inquires into the landlord's debts, and if the contractual rate of interest on the loan taken is high, reduces the amount due in accordance with principles stated in the Act.

Forced Land Sales.—Act No. 26, a temporary measure, attempts to ensure that a creditor enforcing execution by sale of land during the period of low prices shall not get more land in satisfaction of his loan than he could have expected to get if there had been no slump in prices.

Agriculturists' Relief.—Act No. 27 provides facilities to agriculturists of limited means whose powers of resistance were weakened by the general economic depression and by a succession of bad harvests. Among the more important facilities are (*a*) provision for a legal process under which an agriculturist's debtor can ask a court to get his account settled and to fix instalments for payment of sums due; (*b*) to limit the sale of agricultural produce in execution of decrees to four years; (*c*) to limit usufructuary mortgages to a period not exceeding twenty years and (*d*) to enable debtors to receive a statement of account from their creditors and to compel their creditors to maintain their account books in a regular manner.

6. PUNJAB.

Acts passed—7.

Relief of Indebtedness.—The Punjab Relief of Indebtedness Bill, 1934, provoked a great deal of discussion. In 1929 the total volume of agricultural debt in the Punjab was estimated by the Provincial Banking Enquiry Committee at 135 crores of rupees. The sharp fall in the prices of agricultural produce in subsequent years made this pressure of debt on the cultivator even heavier than before, and it was necessary to enact legislation for the relief of indebtedness. In formulating the legislative measures embodied in Act No. 7 the Punjab Government have endeavoured to hold the balance fairly between the debtor and creditor and to give the former such relief as is possible without making any change in law which might have the effect of destroying or seriously impairing the system of rural credit. The Provincial Insolvency Act, 1920, has been amended so as to enable debtors whose debts exceed Rs. 250 and whose total property does not exceed Rs. 2,000 to take advantage of the simplified procedure provided by s. 74 of that Act. The Usurious Loans Act, 1918, has also been amended. Under s. 3 of that Act the court has discretion to take certain action to relieve the debtor if it has reason to believe that two conditions exist, viz. (*a*) that the interest charged is excessive, and (*b*) that the transaction as between the parties thereto was substantially unfair. The amendment makes it obligatory on the court to take one of the forms of action laid down in s. 3 of the Act of 1918 if either of the above conditions is satisfied. Loans on which interest is charged above certain rates are to be presumed to be excessive.

Sale of Tobacco.—Act No. 5 enables Government to levy vend fees on the sale of manufactured tobacco in municipalities, notified areas and cantonments and on railway stations. It is another attempt to tap a new source of revenue.

7. BURMA.

Acts passed—7.

All these measures effect amendments in local laws and do not call for any detailed description.

8. BIHAR AND ORISSA.

Acts passed—9.

Earthquake Legislation.—The earthquake of January 15, 1934, completely dominated the scene for several months and every other question sank into insignificance in the face of the gigantic problems of relief and reconstruction. Three of the Bills passed in the year under review were made necessary by the earthquake. The Bihar and Orissa Natural Calamities Loans Act, No. 1, provides a simple and easy method of granting loans to the owners of buildings damaged or destroyed by earthquakes or other natural calamities. The Bihar and Orissa Municipal (Emergency Provisions) Act, No. 2, is designed to relieve the municipalities of some of the difficulties in which they found themselves as a result of the earthquake. The Act gives the municipalities power to remit taxes on holdings damaged or destroyed by the earthquake and also enables Government to assume partial or complete control of municipal affairs where, as a result of the earthquake, the commissioners are unable, through no fault of their own, to discharge their duties satisfactorily. The Darbhanga Improvement Act, No. 4, constitutes a trust for replanning the congested areas in the town of Darbhanga so as to render them safer in the event of another earthquake.

Tenants.—Act No. 8 removes certain legitimate grievances of landlords and tenants by amending the Bengal Tenancy Act, 1885.

9. ASSAM.

Acts passed—5.

Criminal Law.—The Assam Criminal Law (Amendment) Act, No. 3, is designed to combat the activities of the Revolutionary Party.

Money-lending.—The Assam Money Lenders Act, No. 4, provides for more effectual control of money-lending in the Province.

10. CENTRAL PROVINCES.

Acts passed—16.

Excise Act.—The object of the Central Provinces Excise (Amendment) Bill which became Act No. 6 is to make more stringent provisions to deal with habitual excise offenders and to supply certain omissions in the provisions of the Central Provinces Excise Act, 1915. Punishment for offences with regard to intoxicating drugs has been enhanced; owners and occupiers of houses who knowingly permit their premises to be used for the commission of offences have been rendered liable to punishment; magistrates have been empowered to require professional and regular smugglers to execute bonds to abstain from commission of offences; and pardon can be tendered to an accused person turning approver.

Employment of Women and Children.—Act No. 7 was enacted in response to an incessant demand that owing to the employment of women and children in places like sarais and markets a great many abuses take place. The measure authorizes a municipal committee to make by-laws to prevent such abuses if they exist.

Money-lending.—Act No. 11 removes certain difficulties which were experienced in the working of the Usurious Loans Act, 1918. The double condition which must be satisfied before relief could be given under s. 3 of the Usurious Loans Act restricted its utility, and in the absence of a definition of what constitutes excessive interest there was a tendency on the part of courts to use as criteria the prevailing high rates of interest. The Act provides for a presumption being raised when the stipulated rates exceed certain limits that the interest was excessive.

Act No. 13 was enacted to regulate the transactions of money-lending in the Central Provinces. It has been framed on the lines of the Punjab Regulation of Accounts Act, 1930, but embodies in addition the principle of *damdupat*, with a view to discourage creditors from postponing the enforcement of their claims unconscionably. It also gives the courts extended power to fix instalments for execution of decrees. This Act, together with Act No. 11, constitutes measures calculated to supplement the Central Provinces Debt Conciliation Act, 1933.

Cattle Diseases.—Act No. 16 provides for the prevention of the spread of contagious diseases among cattle. The object aimed at is to make compulsory the vaccination against rinderpest of all imported cattle at stated quarantine posts, to prescribe routes and seasons for import, to prohibit the purchase of or sale to itinerant cattle dealers of unimmunized cattle and to take power to prevent the outbreak or spread of any infectious or dangerous cattle diseases.

11. COORG.

No legislation was enacted in the year 1934.

12. NORTH WEST FRONTIER PROVINCE.

Acts passed—3.

Arms Act.—Act No. 1 repeals s. 29 of the Indian Arms Act, 1878, in its application to the North West Frontier Province. As a result of this amendment it is no longer necessary to obtain the previous sanction of the district magistrate for prosecutions under s. 19(f) of the Act.

Elected Elements in Local Bodies.—Act No. 2 empowers the local government to introduce an elected element into the Notified Area Committees.

Legal Practitioners.—Act No. 3 enforces the provisions of the Legal Practitioners Act, 1879, in the North West Frontier Province.

VIII. EASTERN COLONIES.

1. CEYLON.

[*Contributed by* C. C. A. BRITO-MUTUNAYAGAM, ESQ., B.C.L., M.A. (OXON), *Barrister-at-Law.*]

Ordinances Nos. 6, 15 and 19 constitute the most noteworthy contributions to the legislation for the year. The other Ordinances introduce amendments mostly of minor importance. In Nos. 9 and 27 the alterations are numerous, but the character of the main Ordinance remains unaltered.

Agriculture.—The Tea Industry was subjected to a process of restriction by Ordinance No. 11 of 1933. During 1934, some of the defects in the original scheme were rectified by Nos. 3 and 5.

Rubber interests received similar protection in No. 6, which was amended during the year by No. 12. Ordinance No. 6 is designed to give effect to an agreement between the principal rubber-producing countries in the East to regulate the production and export of rubber, with the object of reducing world stocks and adjusting the equilibrium between supply and demand so as to secure a price-level which will be remunerative to efficient producers. The control of production is achieved by regulating the quantity of export and limitation of stocks. The scheme is to be supervised by an International Committee, and is to continue for a period of five years (s. 48 and s. 1). Ceylon's quota for export is determined in relation to the basic quotas specified in s. 3 ; and will be declared by the Governor from time to time. The Ordinance provides the necessary machinery to keep the exports within the local quota, and to distribute that quota fairly among the persons affected by the scheme. At the head of the system is the Rubber Controller, assisted by an Advisory Board (s. 9) commencing work with information collected in anticipation by an Investigation Officer (s. 13). The quantity of export from the country is regulated by requiring that only rubber in respect of which a coupon has been issued by the Controller may be exported (s. 25). And among producers this exportable quantity is distributed on the assessed standard of production of their plantations (s. 23). To prevent an accumulation of stocks in the country, a limit is placed on the quantity that a dealer is authorized to hold (s. 34) ; and only dealers and producers are authorized to hold stocks of rubber (s. 30). Rubber held in contravention of s. 30 is liable to be confiscated and the possessor is guilty of an offence (s. 51). The planting of new areas is prohibited except for experimental purposes (s. 44), and replanting which is to be controlled by regulations is not to exceed 20 per cent. of the country's total acreage in rubber in 1934 (s. 45). And it is sought to restrict the planting in countries which are not parties to the agreement by prohibiting the export of rubber seeds, buds, etc. (s. 6). There is provision in s. 52, authorizing inspection of plantations and stores, and officers are protected by s. 53 when acting under the Ordinance. A method of service of notices is provided in s. 54. The details of the scheme are to be worked out by regulations framed under s. 50, and the cost of administration is to be met by a cess paid under s. 47 on all rubber that is exported. A Board of Appeal is to be constituted under s. 11 to hear appeals from the decision of the Controller on the matters specified in the Ordinance.

Banking.—No. 23 makes the Government's guarantee of the State Mortgage Bank debentures (Ordinance No. 16 of 1930) independent of the pecuniary limitations on issue imposed by s. 35. No. 1 had made these debentures trustee securities, and No. 23 is designed to relieve trustees of the responsibility of verifying that all the requirements of the Ordinance are complied with before the issue.

Lighthouses.—No. 24 provides for the recovery in Ceylon of lighthouse dues prescribed by virtue of s. 670 of the United Kingdom Merchant Shipping Act 1894 in respect of the new lighthouses in the Bahamas and Leeward Islands. This Ordinance with similar legislation in other maritime colonies, is directed to the recovering of these dues at the first port of call, from all ships which have derived any benefit from these lighthouses.

Local Government.—No. 14 extends the life of the Municipal Council of Colombo in anticipation of the introduction of a new constitution for the City. No. 20 authorizes the payment of a fee by district councils for the audit of their accounts by the Government Auditor, and legalizes the payments of such fees in the past. No. 22 gives authority to municipal councils to waive by resolution, rates or taxes which are inconsiderable in amount or are deemed irrecoverable. The exemption of buildings within municipal limits, which are used for religious worship, is brought into line with the provisions of the Local Government Ordinance by No. 25. By virtue of No. 26 the chairman of municipalities and district councils will be able to take the measures under the Wells and Pits Protection Ordinance, till now exercised only by government agents and their assistants.

Muslim Marriages.—The Muslim Marriage and Divorce Registration Ordinance of 1929 was not brought into operation pending its examination by a special committee appointed to revise some of its provisions. The amending Ordinance No. 9 gives effect to this Committee's recommendation. The definition of "*Fasah divorce*" (s. 3) is new. Amendments are made to the machinery for the appointment of officiating priests, *Kathis* and the Board of *Kathis* in ss. 5, 6 and 7. Changes in the method of registration are dealt with in ss. 8–14; and other matters of procedure and penalties are provided for in ss. 15–20. The exercise of the powers given to *Kathis* by unauthorized persons is made an offence by s. 36; and the proper supervision of *Kathis* is provided for in s. 40. During his wife's lifetime, carnal knowledge of her sister by the husband is made incest by s. 43. The period of prescription in connexion with a woman's *Mahr* is by s. 45 not to commence until the dissolution of the marriage by death or divorce. Provision exists in s. 22 for the regulation of all matters of detail by Rules; and an entirely new set of forms is prescribed in the First Schedule. New rules are also prescribed (Second Schedule) to govern a divorce by a husband under s. 14 of the main Ordinance.

Navy.—No. 15 authorizes the raising and maintenance of a body of naval volunteers who will be subjected to regular naval discipline and be able to keep the approaches to local harbours free from danger in time of war. This body of men raised by the Governor under the provisions of the Colonial Naval Defence Act, 1931, of the Imperial Parliament is to be composed of British subjects, either domiciled in Ceylon or resident in Ceylon for a specified period (s. 8). The force will be maintained at the expense of the country (s. 4); and when it is on active service, the men will be governed by the rules of discipline in the Royal Navy (s. 11). The force will be liable for service both within and beyond the limits of the country (s. 12). There are in the Ordinance the provisions usual in legislation of this character, *e.g.* the penalizing of those who obstruct members of the force (s. 14) or induce them to dereliction of duty (s. 15), and the punishing of members of the force who fail to attend training (s. 16) or misuse the property of the force (ss. 17 and 18). By regulations, for which there is authority in s. 20, it is possible to control the affairs of the force and other incidental matters for which there is no express provision in the Ordinance. This Ordinance is framed on the lines of colonial legislation (see for instance Kenya) on the subject.

Notaries.—The main purpose of Ordinance No. 10 is to establish a better system of control over notaries. The number of offices they may have is limited by s. 2. A more definite standard is created by s. 3 for the initiation of proceedings against unsatisfactory and dishonest notaries. S. 5 provides that the annual declaration necessary for a licence shall contain all particulars that would influence the grant of a licence. And the affixing of his thumb-impression to an instrument by the maker, is made compulsory by s. 6 whenever the maker uses only a mark.

Stamps.—The stamps to be placed on transfers of shares had to be calculated on the actual consideration for the transfer. As a result of No. 4, the average price of the share or its market value on the day of transfer is made the basis for stamping. No. 18 makes provision, on the lines of s. 116 of the United Kingdom Stamp Act, 1891, for the composition of stamp duties on policies of insurance against accident to which it is impracticable or inexpedient to apply the normal method.

Workmen's Compensation.—No. 19 is modelled on the Indian Workmen's Compensation Acts which are themselves founded on the principles of English legislation on the subject. Following the Indian precedent it differs from English law principally in providing a definite scheme for ascertaining compensation, in place of the more expensive method of an unrestricted assessment in each case of injury. A "workman" is defined in s. 2 to mean a person earning less than 300*s*. a month in a capacity specified in Schedule II, which is liable to revision by regulations under ss. 55 and 56; and "dependent" is defined in the same section in the terms of the Indian Act of 1933. The matters that directly affect compensation are contained in the Schedules: Schedule I sets out a list of injuries with the scale for ascertaining the degree of loss of earning capacity; Schedule II enumerates the employments affected by this legislation; Schedule III specifies the diseases which will be deemed accidents and Schedule IV provides a Table for ascertaining the amount of compensation in accordance with monthly wages as calculated under s. 7. Compensation is ordinarily payable if personal injury is caused by accident arising out of and in the course of a workman's employment; and in the case of disablement, provided the disablement continues for seven consecutive days. An exemption is recognized when the disablement is attributable to intoxication, disobedience to orders, or disregard of safety measures (s. 3). Special provision is provided in s. 4 for anthrax and occupational diseases (C. II). C. IV provides for the payment, distribution and recovery of compensation through the medium of a Commissioner appointed under s. 26. To facilitate the giving of notice of accidents, s. 18 provides for the keeping of a "notice book." Under s. 22 a workman is enabled to reach the principal of the contractor who employs him. S. 24 gives protection to a workman's claims to compensation in the event of his employer's insolvency. Proceedings before the Commissioner appointed to work the Ordinance are regulated by the provisions in C. VII. The registration of agreements to commute liability by the payment of a lump sum, and the cancellation of such agreements where they are induced by fraud or undue influence are provided for in C. VIII. C. IX restricts the right of insuring against liabilities to insurance companies licensed by the Commissioner. Appeals from the order of the Commissioner to the Supreme Court are permitted in certain cases, provided they are made in accordance with the requirements in C. X. And there is power in C. XI to provide by regulations for subsidiary matters. Among the miscellaneous matters dealt with in C. XII, compensation cannot be assigned or attached by reason of s. 58; and a workman cannot contract out in respect of the right to compensation in view of s. 59. Under s. 60 the remedy under the Ordinance is made alternative to the remedy at common law. S. 61 provides for the enforcement of reciprocal arrangements, with other parts of the Empire, for the convenient administration of such legislation.

2. HONG KONG.

[*Contributed by the* HON. C. G. ALABASTER, O.B.E., K.C., *Attorney-General.*]

Ordinances passed—41.

The forty-one Ordinances passed during the year under review comprised two appropriation, four replacement, three incorporation, one consolidation, twenty-seven amendment and four which were new to the Colony.

Trustees.—The Trustee Ordinance, No. 18, replaces the Trustees Ordinance, No. 5 of 1901, by a new Ordinance framed on the lines of the Trustee Act, 1925 (15 Geo. V, c. 19) and of the Straits Settlements Ordinances No. 31 of 1926 and No. 14 of 1929, with certain provisions of the Judicial Trustees Act, 1896 (59 & 60 Vict., c. 35), also incorporated therein.

Registration of Persons.—The Registration of Persons Ordinance, No. 3, replaces the Travellers Restriction Ordinance (No. 19 of 1915) and the Registration of Persons Ordinance (No. 6 of 1916), two Ordinances passed during the Great War which had not been strictly enforced in recent years. With the exception of certain specified classes it requires all non-Chinese aliens to register themselves and to report changes of address. Keepers of hotels, boarding-houses and lodgings are required to register their non-Chinese guests, and the masters of ships arriving have to supply lists of their non-Chinese passengers. It was considered impracticable to apply the provisions of the Ordinance to the large and daily fluctuating Chinese population.

Immigration and Passports.—The Immigration and Passports Ordinance, No. 8, replaces the Passports Ordinance, No. 35 of 1923, and enacted provisions derived mainly from the Straits Settlements Passengers Restriction Ordinance No. 169, as amended in 1932, and from the existing Passport Regulations made by the Governor in Council to whom the power to make such regulations had been duly delegated by Ordinance No. 35 of 1923.

Loan Works.—The Dollar Loan Ordinance, No. 11, empowers the Governor to raise a loan of $25,000,000 in bearer bonds at 3½ per cent. interest for various public works.

Extra Colonial Light Dues.—The Colonial (Bahamas and Leeward Islands) Light Dues Ordinance, No. 15, implements an Order of his late Majesty in Council dated December 17, 1931, under s. 670 of the Merchant Shipping Act, 1894, by providing for collection in Hong Kong of Colonial light dues from ships, which had passed and derived benefit from certain lighthouses and a buoy on or near the coasts of the Bahamas and the Leeward Islands and which had not previously paid the amounts due in the United Kingdom or some other British possession. Although it is many thousands of miles from the West Indies to the Coast of China it seems that there are some ships which make Hong Kong their first or only British port of call after passing the lights in question and an Ordinance, Act or Address to the Crown was therefore required under s. 670(2) of the Merchant Shipping Act, 1894, to enable the dues to be levied here.

Births and Deaths Registration.—Ordinance No. 21 consolidates and to some extent amends the enactments relating to this subject.

Age of Marriage.—The Marriage Ordinance, No. 7 of 1875, did not expressly lay down any minimum age for marriage, such minimum having been held to be the same as that in England prior to the passing of the Age of Marriage Act, 1929 (19 & 20 Geo. V, c. 36), namely fourteen for a male and twelve for a female. The said Act avoided any marriage either party to which is under sixteen. In this Colony the same result has been achieved by the Marriage Amendment Ordinance, No. 13 of 1934.

Protection of Women and Girls.—Ordinance No. 14 raises the age of consent generally in sexual cases to correspond with that now in force in England.

Criminal Procedure.—Ordinance No. 37 enacts provisions based on those of the Infanticide Act, 1922 (12 & 13 Geo. V, c. 18), and the Sentence of Death (Expectant Mothers) Act, 1931 (21 & 22 Geo. V, c. 24).

Merchandise Marks.—Ordinance No. 38 amends the Merchandise Marks Ordinance, No. 4 of 1890, by incorporating in it the provisions of the Merchandise Marks Act, 1911 (1 & 2 Geo. V, c. 31).

The other Ordinances passed during 1934 do not call for special comment.

3. STRAITS SETTLEMENTS.

[*Contributed by* A. de Mello, Esq.]

Ordinances passed—46.

The year 1934 will be memorable in the annals of Colonial legislation for (1) the breaking up of the Courts Ordinance and the Code of Civil Procedure of 1907, and the re-enactment of its divers provisions on practice and procedure, in the form of Orders and Rules of Court, and of its provisions of substantive law, in the form of separate Ordinances devoted to specific subjects: (2) the re-introduction, after nearly eight years, of restriction on rubber production in the guise of "control."

Civil Procedure.—This Code, drafted by Sir Walter Napier (Attorney-General in 1907) from the material scattered in various Indian Acts and Ordinances then in force, supplemented by the "Rules of the Supreme Court of Judicature" in London, is henceforth, as to substantive law, represented by Ordinances dealing with: (*a*) Civil Law (No. 12); (*b*) Debtors (No. 25); (*c*) Distress (No. 28); (*d*) Guardianship of Infants (No. 11); (*e*) Mental Disorders (No. 33); (*f*) Probate and Administration (No. 24); (*g*) Settled Estates (No. 19); while that part of the defunct Code which dealt with practice and procedure *stricto sensu* has now taken the form of the "Rules of the Supreme Court, 1934" (divided into Orders and Rules according to the topics, as in England), which are soon to be followed by similar Rules for District Courts, founded on the practice of the County Courts in England.

Courts.—By a similar process of sifting, the Courts Ordinance of 1907 has been relieved of its Part II (cc. 8–13), which contained the provisions for the admission, control, privileges and remuneration of members of the legal profession: which provisions have now been re-enacted, with additions, in an independent Ordinance (No. 32) dealing exclusively with advocates and solicitors, while the new Courts Ordinance (No. 17), of this year, treats solely of the organization and jurisdiction of the various tribunals.

Rubber.—Next to the courts and judicial procedure, the " regulation " or " control " (in lieu of the restriction, that was abolished eight years ago) of the production, import and export of rubber has been the most notable event in the legislative activity of the Colony, and the beneficent results of this long-desired relief to the industry have already made themselves felt, not only in the Colony, but also throughout Malaya. The two Ordinances (Nos. 22 and 43), passed with the object of reducing the world-stocks of rubber, and maintaining a fair and equitable price-level for the commodity, implement the Agreement signed between the associations representing rubber interests, and between the Governments of France, Great Britain, India, Holland and Siam.

The second (No. 43) of these Ordinances remedies a defect revealed in the practical operation of the first (No. 22). Under the International Agreement just mentioned, the maximum carry-forward of export rights from one control-year to the next was limited to not more than 12 per cent. of the permissible export-amount of that year. It was found as a result that, if the total export in a control-year fell short of 88 per cent. of the amount permitted to be exported, export-rights to an amount equal to a deficiency below 88 per cent. would have been irretrievably lost, and this loss which, under the Agreement, fell on Malaya as a whole had, of necessity, to be distributed internally amongst individual producers. Accordingly Ordinance No. 43, first, limits the extent to which dealers can occasion such loss by holding up rubber ; secondly, provides for the distribution of the loss amongst those who caused it by their failure to exercise their export rights ; thirdly, permits transfer of export-rights between different owners.

Similar Enactments (Nos. 17 and 39 of 1934) have been passed in the Federated Malay States.

Betting.—In February 1933, the Court of Appeal at Singapore, in the case of *Li Kim Poat & anor.* v. *Rex*,[1] reversed, by a majority, the judgment of the district judge, who had convicted the appellants, members of the Singapore Turf Club, of having made bets within the " Members' Enclosure " with other members of the Club upon the result of horse-races, and thus used the precincts of the Club as a " common betting-house," within the meaning of Ordinance No. 133 (Betting). The present amending Ordinance (No. 15) has therefore been mainly devised to bring, in future, even members of such a Club within the purview of the law: for " bookmaker " is now defined (s. 2), to mean " any person who, whether on his own account, or as servant or agent for any other person, carries on, whether occasionally or regularly, the business of receiving or negotiating bets, or who, in any manner, holds himself out, or permits himself to be held out in any manner, as a person who receives or negotiates bets." The only exception made is in favour of " a club, its officers or servants operating or conducting a totalizator or *pari mutuel* authorized under s. 15."

The maximum penalty for offences under ss. 3 and 4 is, moreover, enhanced from $3,000 to $4,000. The Ordinance further, with doubtful wisdom, though perhaps in conformity with the policy of Ordinance No. 45 (Common Gaming-houses), protects informers from discovery, and even authorizes payment of rewards to them (ss. 8A and 16).

---

[1] Reported in *Straits Settlements Law Reports* (1933), p. 129.

Importation of Textiles.—Ordinance No. 23 regulates the importation into the Colony of certain classes of textile goods manufactured in a foreign country, the method of regulation being by fixation of maximum quotas for each country during any given period, and quantities imported into any part of British Malaya counting against such quotas. Import-licences, landing-places, and re-export depots complete the machinery of regulation.

Irrigation Areas.—Ordinance No. 36 aims at the establishment and regulation, on the lines of analogous legislation in the Federated Malay States, of irrigation areas within the Colony. For the effective execution of irrigation-schemes, s. 15, in particular, provides for the keeping by the officer in charge of an irrigation-area of an " imprest-account," intended to defray, in the first instance, expenditure incurred in necessary work undertaken within the irrigation-area. The Ordinance only applies to such areas as are, under s. 3, specifically declared to be " irrigation-areas."

Legitimacy.—Ordinance No. 20, which is symmetrical with the Federated Malay States Enactment No. 29 of 1932,[1] introduces into the law of the Colony, with a view to removing the stigma of illegitimacy from innocent persons, the *legitimatio per subsequens matrimonium* of Roman Law, recently adopted in England by the Legitimacy Act, 1926. The Ordinance is, of course, confined to cases where the subsequent marriage is performed according to Christian rites or forms.

Pineapple Industry.—Ordinance No. 1, based on the recommendations of the Pineapple Conference, provides for adequate sanitation and freedom from contamination of factories where pineapples are canned for export. Such factories are to be henceforth registered, and registration can only be effected upon satisfactory compliance with hygienic conditions (s. 5). Every owner is required to register, and emboss on the tins in which the pineapples are canned, a mark which, without being a trade-mark,[2] will serve to trace any particular tin back to its factory of origin (s. 7). The mark will be known to shippers and wholesale dealers, but will convey nothing to retail-buyers and consumers. Regulations under the Ordinance provide, *inter alia*, for the grading of pineapple products, wherever practicable or desirable (s. 14). Surveillance of the factory and enforcement of the regulations are entrusted to special inspectors (s. 11).

Rice Cultivation.—As it is essential, for the successful cultivation of rice, that all contiguous blocks of rice-land should be cleared, prepared and planted, as far as possible simultaneously, Ordinance No. 39 is designed to provide legal means to facilitate the achievement of that object. Such legal means, which hitherto have not existed except, under Ordinance No. 39, for Malacca Customary Lands, are to take the form of Rules, under s. 4, particularizing the duties and obligations of landowners, as under the Land Rules, 1930, of the Federated Malay States.

4. FEDERATED MALAY STATES.

[*Contributed by* A. DE MELLO, ESQ.]

Enactments passed—43.

Air Navigation.—Enactment No. 28 brings the local legislation into conformity with the Order in Council of November 9, 1931, fulfilling thus the requirements of the International Air Navigation Convention.

---

[1] Reviewed in *Journ. Comp. Leg.*, Third Series, vol. xvi, pt. iii, p. 151 (*q.v.*).

[2] The marking of tins with the name of the producing factory appears to have been objected to by the trade in England.

Bills of Exchange.—The Indian Negotiable Instruments Act, No. 26 of 1881, on which the Negotiable Instruments Enactment, passed in the individual States of the Federation in 1898–9, was based, had been amended on no less than seven occasions, chiefly in order to conform to the law in force in Great Britain; but none of these amendments had been incorporated in the local law of the States. Instead of including these subsequent amendments, the present Enactment (No. 6) substitutes practically *en bloc* the Bills of Exchange Act, 1882,[1] which is in force *proprio vigore* in the Straits Settlements.[2] The difference is one of form rather than one of substance, for both the English Statute and the Indian Act, barring the variation in order and arrangement, were codifications of the then existing English law, and enacted, for the most part, identical legal propositions: such slight divergences as existed in these States have been considered to justify the adoption of the law in force in the adjacent Colony rather than in India.

Medical Registration.—No. 3 re-enacts as a Federal Enactment the Medical Registration Enactments passed in 1907 in the individual States, and accords the privileges of medical practitioners to those who are registered as such under the Straits Settlements Ordinance No. 99 (Medical Registration).

Miscellaneous.—Enactments No. 5 (Notaries Public) and No. 32 (Prevention of Collisions at Sea) are other instances of legislation drawn from regulations in force in England, while the Rubber Regulation Enactments (Nos. 17 and 39) have already been referred to above[3] as designed to ensure uniformity with the legislation of the neighbouring Colony (the Straits Settlements).

5. MAURITIUS.

[*Contributed by* E. NAIRAC, ESQ., *Procureur-General.*]

Forty-eight Ordinances were passed by the Council of Government and assented to by the Governor between January 19 and October 19, 1934. Several of these, rather of domestic concern, deal with speed of motor vehicles, road traffic, net-fishing—penalize the possession of raw sugar for purposes other than exportation, authorize a special marriage and a burial, reduce the duration of labour contracts and the age for dispensing with parents' consent to the marriage of their sons, prevent the employment of females at night in factories, and consolidate education laws and regulate probation of offenders. Others attempt to work for economic and social organization and progress; the more important being:

Poll Tax.—No. 32 imposes a so-called "poll tax" graduated according to the income of individuals and companies with increasing fixed amounts for the several steps in the ladder of incomes between Rs. 5,000 and Rs. 70,000—the tax being the same for all incomes beyond Rs. 70,000.

Currency.—Two Ordinances, Nos. 13 and 39 respectively, establish a new paper and silver currency, the new notes being no longer compulsorily payable in silver, the coins being special to Mauritius, but of the same silver standard composition as the Indian rupees which are not redeemable in new coins and will soon cease to be legal tender.

---

[1] 45 & 46 Vict., c. 61.

[2] By virtue of s. 5 (1) of Ordinance No. 111 (Civil Law), which prescribes that: "in all questions or issues which arise or which have to be decided in the Colony with respect to . . . mercantile law generally, the law to be administered shall be the same as would be administered in England in the like case at the corresponding period if the question or issue had arisen, or had to be decided, in England, unless in any case other provision is or shall be made by Statute."

[3] *Supra*, p. 157.

Wireless Telegraphy.—A comprehensive radio-communication Ordinance (No. 36) facilitates the use of wireless apparatus and regulates all cognate matters in a line with recent international arrangements.

Defence Force.—No. 19 creates a Mauritius Local Defence Force on the lines of the English Territorial forces legislation and regulations.

Employment of Women, Young Persons and Children.—Ordinance No. 37 makes operative in this Colony the International Labour Conventions regulating: (1) The admission of children to industrial employment; (2) The night work of young persons in industry; (3) The night work of women in industry; (4) The admission of children to employment at sea.

Minimum Wages.—Ordinance No. 41 applies to Mauritius the International Labour Convention concerning the creation of machinery for the fixing of minimum wages, whenever necessary, in respect of any trade or occupation.

Dangerous Drugs.—Ordinance No. 5 regulates the importation and sale of opium and other drugs.

Customs.—Certain import duties were altered in amending Customs Tariff Ordinances, Nos. 29 and 46, with a view to increasing imperial preference on the articles concerned and special Ordinances, Nos. 25 and 48, regulating the importation of textiles of foreign origin, were readily accepted by the Council of Government in furtherance of the policy of imperial solidarity.

Boilers.—Lastly, both in the interest of labour and to minimize chances of accidents to workmen, as well as again to favour British manufacture, an important consolidated and amending Ordinance, No. 43, provides comprehensively for the control of boilers, their use and inspection, and cognate matters, while it imposes the gradual replacing of existing engines and pipes by material of standard British specification.

6. STATE OF NORTH BORNEO.

[*Contributed by* C. F. C. MACASKIE, ESQ., *Legal Adviser.*]

During 1934 only two Ordinances were enacted.

Rubber Restriction.—Ordinance No. 1 was passed to give effect to the policy of regulating the production and export of plantation rubber, pursuant to an agreement between certain rubber-producing countries to which the State was a party. The Ordinance is a short empowering enactment, and the rules which have been published under it are based upon the system of regulation adopted in Malaya.

Customs and Excise.—Ordinance No. 2 is a short Ordinance making a few minor amendments to the Customs and Excise Ordinance, 1916. Neither of the above Ordinances nor any regulations published during the year under any Ordinance have more than local interest.

7. SEYCHELLES.

[*Contributed by* M. C. NAGEON DE LESTANG, ESQ., *Acting Legal Adviser.*]

1933.

Twenty-four ordinances were enacted in the year 1933, the most important of which relate to the following subjects:

Pensions.—Ordinance No. 3 regulates pensions, gratuities and other allowances to be granted in respect of offices held in His Majesty's Civil Service in the Colony.

This Ordinance was passed with a view to bringing the local law in conformity with the law relating to pensions in other Colonies.

Birds' Eggs.—Ordinance No. 7 aims at protecting migrating birds. It gives power to the Governor in Executive Council to make regulations fixing a close season during which the collection of birds' eggs shall be prohibited. It is hoped that this Ordinance will prevent the wholesale destruction of birds and their eggs which had for a long time been going on on the outlying islands where millions of birds lay their eggs between the months of June and September in each year.

Judicial.—Ordinance No. 14 extends considerably the jurisdiction of justices of the peace and thereby relieves the Supreme Court of a certain amount of work of an unimportant nature and facilitates to a large extent the administration of justice, the more so as there are no less than three justice of the peace courts in the Colony.

1934.

Twenty-seven Ordinances were enacted during the year 1934, the most important of which relate to the following subjects:

Ecclesiastical Law.—Ordinance No. 3 constitutes the clergy of the Roman Catholic Mission in Seychelles a corporate body and gives it power as such to hold, purchase and dispose of properties.

Agriculture.—Ordinance No. 6 prevents the exportation of patchouli oil and such other essential oils as may be proclaimed by the Governor in Executive Council if not of standard quality.

Ordinance No. 13 aims at the complete destruction of ginger grass and palmarosa plants of an inferior or hybrid quality in order that the best oil could be produced from the good quality plant.

Medicine and Dentistry.—Ordinance No. 20 regulates the practice of medicine and dentistry in the Colony by providing that only registered doctors and dentists can practise and prescribing who can be registered.

Finger Prints.—Ordinance No. 21 establishes a finger print bureau and authorizes the taking of finger prints of accused and convicted persons. The police have, however, derived no help from this Ordinance as so far no finger print expert has been appointed to give effect to its provisions.

Juvenile Offenders.—Ordinance No. 8 deals with juvenile offenders and empowers the courts to order whipping as a punishment in certain cases. The most important provision is that it establishes a juvenile court to deal with young persons under 18 years of age and provides for the proceedings to be held in camera.

IX. WEST AFRICA.

1. GAMBIA.

[*Contributed by* A. G. B. MANSON, ESQ., *Legal Adviser.*]

Ordinances passed—26.

The Ordinances which call for special comment are:

Cruelty to Animals.—Ordinance No. 7 is based on the Imperial Protection of Animals Act, 1911.

Forced Labour.—Ordinance No. 8 gives effect to the Convention concerning forced or compulsory labour adopted by the International Labour

Conference at Geneva in 1930 and confirmed by His Majesty's Most Honourable Privy Council in 1931.

Moneylenders.—Ordinance No. 9 provides for the registration of moneylenders, confers power on the courts to re-open money-lending transactions, prescribes the form of moneylenders' contracts and deals with such matters as the charging and calculation of interest, loans to infants, etc. It is based on the Imperial Moneylenders Acts, 1900 and 1927.

Importation of Textiles.—The Importation of Textiles (Quotas) Ordinance, No. 2, provides for the restriction by a quota system of the importation of textiles manufactured in foreign countries.

Customs Tariff (Amendment).—Ordinance No. 6 empowers the Governor in Council, by Order to be approved by the Legislative Council, to levy special duties on the goods of any foreign country when such action may be deemed necessary for the protection of the trade of the British Empire.

Repatriation of Convicted Aliens.—Ordinance No. 22 provides that where an alien is convicted by any court of any offence for which the court has power to impose imprisonment without the option of a fine, the court may, in addition to or in lieu of any other punishment, recommend to the Governor that he be repatriated.

2. GOLD COAST COLONY.

[*Contributed by* L. E. V. McCarthy, Esq., *Solicitor-General.*]

Ordinances passed—29.

Cocoa Industry Regulation.—Ordinance No. 14 requires all cocoa to be inspected prior to export, and enables the prevention of the exportation of cocoa below a specific quality standard prescribed by the Governor in Council.

The Coco-nut Industry Regulation Ordinance (No. 18) and the Fruit Industry Regulation Ordinance (No. 19) are on similar lines to No. 14.

Waterworks.—Ordinance No. 20 provides for the management and regulation of water supplies in the Colony, and is based on the Uganda Waterworks Ordinance of 1928. Generally speaking it is in the form usually employed in Ordinances of this character. Hitherto the capital expenditure and cost of maintenance of water supplies in the Colony fell on the general taxpayer; this Ordinance makes provision by means of a water rate for the payment for those supplies by the persons who enjoy the benefit.

Criminal Code.—Ordinance No. 21 makes, *inter alia*, certain modifications in the law of sedition and provides a comprehensive definition of "seditious intention." Furthermore power is given to the Governor in Council to prohibit the importation of newspapers, books and other documents of a seditious character.

Importation of Textiles (Quotas).—Ordinance No. 22 and the Additional Customs Duties Ordinance No. 23 were enacted in conformity with Imperial policy on the subject of unfair Japanese trade competition.

Official Emoluments Levy.—Ordinance No. 24 has the effect of abolishing the levy on the salaries of government officers which was instituted in 1932.

Motor Traffic.—Ordinance No. 27 replaces the Motor Traffic Ordinance of 1925. Important developments of motor traffic and changed conditions rendered necessary the enactment of a measure of a comprehensive and up-to-date nature. The provisions of Imperial legislation on the subject have been adopted so far as local circumstances permitted.

(i) ASHANTI.

Ordinances passed—3.

(ii) NORTHERN TERRITORIES.

Ordinances passed—3.

(iii) TOGOLAND UNDER BRITISH MANDATE.

Ordinances passed—3.

3. NIGERIA.

[*Contributed by* A. R. W. SAYLE, ESQ., *Crown Counsel.*]

Ordinances passed—24.

The following is a summary of the more important enactments of general interest during the year 1934.

Public Officers (Levy on Emoluments).—Ordinance No. 2 extends the provisions of the Public Officers (Levy on Emoluments) Ordinance, 1933, for another year. The latter Ordinance, which was for one year only, imposed a levy on the emoluments of public officers; the levy being on a graduated scale which increases with the amounts of the emoluments.

Evidence (British and Foreign Documents).—Ordinance No. 3 makes provision in certain cases for the admissibility in the courts of Nigeria of Certificates of the Entries in certain records and other documents in other countries which have made reciprocal arrangements.

Importation of Textiles (Quotas).—Ordinance No. 7 enables the Governor by Order in Council to fix the total quantity of textile goods manufactured in a foreign country which may be imported into Nigeria during any period. The importation is only permitted by sea and provision is made to guard against smuggling across the frontiers. The Ordinance does not apply to the Cameroons under British Mandate as that would be in conflict with the terms of the Mandate.

Customs Duties.—Ordinance No. 8 provides for an increased customs duty to be levied upon the goods of any country specified by order of the Governor in Council. The Ordinance provides that this duty shall be in addition to and not in substitution for the duties, if any, payable under any other Ordinance.

Motor Traffic.—Ordinance No. 11 chiefly gives increased rule-making powers and is intended to enable proper control to be exercised over stage carriages. On and after January 1, 1935, all stage carriages operating solely within the municipal boundaries of Lagos will be required to comply with certain requirements including size and proper seating accommodation.

Survey.—Ordinance No. 13 increases the rule-making powers contained in c. 90 of the Laws and makes certain other amendments the most important of which are designed to improve the standard of the work of surveyors and to give the Surveyor-General more control over them.

Liquor.—Ordinance No. 16 is important in that provision has now been made for the issue of search warrants, which may be made available for not more than three months, to search premises where it is believed that offences in connexion with the unlawful distillation of spirits are being committed. The Ordinance is necessary in view of the difficulties which, in certain places, have caused delay in the issue of search warrants.

Medical Practitioners.—In view of the scheme for the employment by Government of medical assistants who have been trained at Yaba Higher College, c. 46 of the Laws of Nigeria was repealed and re-enacted in an extended form by the Medical Practitioners and Dentists Ordinance, 1934, No. 20. The Ordinance provides for a Board of Medical Examiners for Nigeria and the granting of Certificates and Diplomas in Nigeria by the Board. Medical assistants will in future be entitled to practise medicine, surgery, and midwifery in the service of the Government of Nigeria anywhere in Nigeria subject to and in accordance with such regulations relating to medical assistants as may be made by the Governor in Council.

4. SIERRA LEONE.

[*Contributed by* I. J. TURBETT, ESQ., *Attorney-General.*]

In 1934, thirty-one Ordinances were placed on the Statute Book. Of these, twenty-one either amended or repealed existing measures, two dealt with supply, and the remaining eight dealt with matters not hitherto the subject of legislation.

Importation of Textiles (Quotas).—Ordinance No. 2 establishes a quota system applicable to the importation of textiles from countries outside the British Empire. The importation of all such textiles is prohibited except under licence, and provision is made for the issue and regulation of such licences.

Undesirable Advertisements.—Ordinance No. 5 is based on the Imperial Venereal Disease Act, 1913, and prohibits public advertisements of any treatment or remedies for venereal disease and other undesirable advertisements, except such as may be made by the authority or with the sanction of the Director of Medical and Sanitary Services.

Vagrancy.—Ordinance No. 17 provides for the repatriation of vagrant and unemployed natives. The opening of the mines in different chiefdoms of the Protectorate has attracted immense numbers of natives from all parts of the country. Many of these persons are naturally unable to find employment, but they refuse to return to their chiefdoms and remain in the locality without means of support. They become consequently a menace to the administration of the Tribal Authorities and the general maintenance of law and order in these areas. The measure is to some extent the Protectorate counterpart of the Colony Repatriation of Convicted Natives Ordinance, 1926 (No. 1 of 1926).

Pawnbrokers.—Ordinance No. 28 is based on the Imperial Act of 1872 and regulates the whole business of pawning and in particular prescribes maximum rates of interest. The business of money-lending in the Colony has been regulated by Ordinance since 1924. In fact much of the local money-lending is secured by pawn, but previously no statutory control of the pawnbroking business or any limitation of the rates of interest had ever been instituted. The growth of gold-mining has also made necessary a closer control of any trade in gold, as many articles pawned are of that metal.

Employers and Employed.—Ordinance No. 30 gives statutory effect to the Conventions of the International Labour Conference at Geneva and deals with the following matters: (*a*) the minimum wage for labour; (*b*) the employment of women during the night; (*c*) the minimum age for admission of children to industrial employment; (*d*) the night work of young persons employed in industry; and (*e*) the minimum age for admission of children to employment at sea.

In addition to giving legal effect to these matters, it also codified the existing law regulating the relations between employers and employed. This was accomplished by incorporating many of the provisions of the Native Labour (Foreign Service) Ordinance, the Apprentices Ordinance, and the Manual Labour Regulation Ordinance, and these latter Ordinances have in consequence been repealed. The previously existing law has, however, frequently been varied in favour of more modern legislation on these matters, which has been enacted in recent years in other Colonies. Power was also taken in the Ordinance to enable the Governor in Council to fix minimum rates of wages in respect of various classes of employment. A very extensive rule-making power exists and a considerable number of rules have already been scheduled to the Ordinance. These deal with various matters subsidiary to the relations between the employers and employed and cover, *inert alia*, the payment of wages, the hours of work, the return of labourers to their homes on the expiration of their contracts, the housing of labourers, medical attention, etc. Special provision is also made for the establishment of labour health areas and the application of stringent sanitary provisions therein.

Customs Tariff.—Ordinance No. 1 has for its main purpose the imposition of specific duties on many articles imported into Sierra Leone which had previously been subject to *ad valorem* duties. The preferences previously granted to goods of Empire origin are increased in the majority of cases as British trade in the Colony had been endangered by unfair foreign competition and customs revenue had also suffered to some considerable extent.

Protectorate Administration.—Ordinance No. 10 amends the new Protectorate Ordinance of 1933 in certain particulars. It transfers from the Governor to a Provincial Commissioner the power to convene a meeting of an Assembly of Chiefs. Provision is made for the first time for the election of chiefs by tribal authorities, and power is reserved to the Governor to appoint a Chief in case a tribal authority neglects or refuses to proceed to an election. The provisions relating to the deposition of Chiefs are altered and now provide for the holding of one formal inquiry instead of two.

Freetown Municipality.—Ordinance No. 12 makes provision for the increase of the elected members of the Freetown City Council from three to four, and also makes better provision regarding the hearing of objections to assessment for rates and of appeals thereon.

Fruit Export.—Ordinance No. 13 restricts the packing of fruits for export to houses licensed by the Governor and makes provision for the licensing of one or more such houses.

X. EAST AFRICA.

1. KENYA.

[*Contributed by* T. D. WALLACE, ESQ., *Crown Counsel.*]

Ordinances passed—65.

The following is a summary of the more important enactments of general interest during the year 1934.

Sisal Industry.—Ordinance No. 11 imposes a levy on the export of sisal fibre, the amount of such levy being paid into a fund together with a grant-in-aid from the Government on a pound to pound basis. The fund is administered by a Committee and is generally devoted to the improvement of the sisal industry.

Native Exemption.—Ordinance No. 12 repeals and replaces the Native Exemption Ordinance (c. 128 of the Revised Edition of the Laws of Kenya). The Ordinance provides for the exemption of certain categories of natives from the operation of specific laws.

Special Districts (Administration).—Ordinance No. 13, which is based on the Frontier Crimes Regulations, 1901, of India (Regulation No. III of 1901), provides for the better administration of provinces which, from their geographical position or the primitive stage of the development of the inhabitants, require special legislation.

Post Office.—Ordinance No. 18 is modelled on the Post Office Ordinance of the Colony of Nigeria (Ordinance No. 31 of 1928), and replaces the Indian Post Office Act, 1898, hitherto in force in the Colony.

Diamond Industry Protection.—Ordinance No. 19, which is modelled on the existing legislation in Tanganyika Territory (c. 103), is designed to control the possession, purchase, and sale of uncut diamonds, and generally to provide for the protection of the diamond industry.

Limitation.—Ordinance No. 21 replaces the Indian Limitation Act of 1877 and substitutes therefor the English law of limitation. A few of the provisions of the Indian Act have, however, been retained.

Juveniles.—Ordinance No. 22, which repeals and replaces the Reformatory Schools Ordinance (c. 39 of the Revised Edition of the Laws of Kenya) and the Juvenile Offenders Ordinance No. 15 of 1933, is based on the Children and Young Persons Act of 1933, and provides for the trial and punishment of juvenile offenders.

European Civil Service Provident Fund.—Ordinance No. 27 establishes a provident fund for members of the recently inaugurated Local European Civil Service of the Colony, and provides for contributions to the fund to be made by members of the said service and by Government.

Agricultural Mortgagors' Relief.—An Agricultural Mortgages Committee was appointed in 1933 to consider whether, in the then circumstances of the agricultural community, any special legislative measures were necessary to protect its interests and afford it reasonable security of tenure. The Ordinance, No. 35, which follows similar legislation in force in British Columbia, New Zealand and Queensland, is founded on the Committee's report.

Native Lands Trust.—This legislation (No. 36) is a temporary measure pending the enactment of a comprehensive Ordinance arising out of the recommendations of the Kenya Land Commission, 1933.

District Education Boards.—Ordinance No. 38 makes provision for the establishment of District Education Boards composed in part of representatives of Local Native Councils, school managers and government officials.

Native Hut and Poll Tax.—Ordinance No. 40 consolidates in one comprehensive Ordinance the previous legislation regarding the collection of hut and poll tax from natives, together with the rules detailing the procedure for such collection. The Ordinance widens the scope for the exemption of deserving persons who are unable to pay, but provides for the payment of tax by women hut owners who are financially able to do so,

Telegraphic Press Messages.—Ordinance No. 45, which is based on the Palestine Telegraphic Press Messages Ordinance, 1932, confers temporary exclusive rights in respect of telegraphic press messages.

Tea.—Ordinance No. 46 restricts the production of tea in the Colony, and gives effect to the International Restriction Scheme which embraces all the large and most of the smaller tea-producing countries of the world.

Preservation of Objects of Archæological and Palæontological Interest.—Ordinance No. 53 repeals and replaces the Ancient Monuments Preservation Ordinance, 1927, as amended by the Ancient Monuments Preservation (Amendment) Ordinance, 1932. It consolidates, amplifies and improves the law relating to the protection, preservation and treatment of archæological and palæontological sites and objects, in which the Colony has proved to be exceptionally rich.

Coffee Industry.—Ordinance No. 54 consolidates the law relating to the advancement and control of the coffee industry in the Colony. It re-enacts the provisions of the Coffee Industry Ordinance, 1932, but embodies certain amendments, the most important of which is the inclusion of provision for the compulsory registration of distinguishing marks used by persons to identify coffee grown by them when such coffee is marked.

Interpretation (Definition of "Native").—Ordinance No. 55 amends and defines in more precise terms the definition of the expression "Native."

Non-Native Poll Tax.—Ordinance No. 61, which is based on the Non-Native Poll Tax Ordinance, 1933, makes provision for the levy during 1935 of a non-native poll tax at a rate graduated according to the tax-payer's income.

Liquor.—Ordinance No. 62 provides for the control of the sale of liquor and gives effect to the recommendations of the Liquor Licensing Committee appointed in 1933. It re-enacts the provisions of the existing law and embodies the amendments proposed by the Committee.

Licensing.—Ordinance No. 63, which repeals the Licensing Ordinance, 1933, makes provision for the licensing of certain professions, businesses, arts, callings and industries within the Colony and fixes the licence fees payable therefor.

Asian Civil Service Provident Fund.—Ordinance No. 64 establishes a Provident Fund for members of the Local Asian Civil Service of the Colony and provides for contribution to the Fund to be made by members of the Service and by Government.

2. NYASALAND.

[*Contributed by* H. G. Morgan, Esq., *Assistant Attorney-General.*]

Ordinances passed—24.

Motor Traffic.—Ordinance No. 1 consolidates and amends the law relating to the control of motor traffic. Part 8 of the Ordinance relates to the formation of a Licensing Board for the vehicles plying for hire and vehicles used in connexion with the owners' trades with special regard to the co-ordination of road and rail traffic. Part 9 deals with the compulsory insurance of motor vehicles, but will not come into operation until the required insurance can be effected at reasonable rates. The Motor Traffic Ordinance, 1920, is repealed.

Pensions.—Ordinance No. 3 amends the European Officers' Pensions Ordinance 1927 by fixing the normal pensionable age of retirement in the case of officers appointed to the Service after December 31, 1933, at fifty-five years. Power is however reserved to the Secretary of State to approve the award of a pension at an earlier age.

Dangerous Drugs.—Ordinance No. 5 gives effect to the recommendation contained in a Convention signed at Geneva on behalf of His Majesty's Government on July 13, 1931, for the control of narcotic drugs.

Tobacco Cess.—Ordinance No. 6 creates a fund into which there will be paid the proceeds of a tax to be levied on tobacco exported from the Protectorate. Hitherto this tax has been levied under the Customs Ordinance, 1906. The tax will continue to be appropriated to the exclusive use of the industry concerned.

Money-lending Transactions.—The object of Ordinance No. 7 is to empower the court to re-open money transactions between lender and borrower if in the opinion of the court a harsh and unconscionable bargain has been made. The transaction may be re-opened at the instance of the debtor or when proceedings for recovery of the loan have been commenced by the creditor.

Native Hut and Poll Tax.—Two Ordinances were enacted. Ordinance No. 9 provides for the payment of taxes in kind in such districts and in such produce as the Governor may by proclamation direct. Ordinance No. 14 imposes upon natives visiting the Protectorate an obligation to pay poll tax if they obtain work in the Protectorate.

Cotton.—The object of Ordinance No. 16 is to secure the production in the Protectorate of the highest quality of cotton by generally controlling the industry. The Cotton Ordinance, 1910, is repealed. S. 42 of the Ordinance empowers the Governor in Council by notice in the *Gazette* to confer on any person in specified areas and for fixed periods the sole right of purchasing cotton grown by natives on Crown land.

Tea.—Ordinance No. 17 is designed to restrict the production of tea in the Protectorate in accordance with the requirements of an International Restriction Scheme embracing East African and certain Eastern tea-producing countries.

Penal Code and Criminal Procedure Code.—The object of Ordinances Nos. 18 and 19 is to amend the Penal Code and Criminal Procedure Code in accordance with the recommendations made by the Law Officers of the East African Dependencies at their Conference in March, 1933. One of the principal objects of the Conference was to make legislation of this kind as uniform as local conditions permit.

Sentence of Death (Expectant Mothers).—Ordinance No. 21 provides for a sentence of imprisonment for life being passed on a woman convicted of an offence punishable with death if the woman is found to be pregnant.

Infanticide.—Ordinance No. 22 provides for the conviction and punishment of a woman found guilty of the murder of her newly born child in circumstances which show that she had not fully recovered from the effect of giving birth to the child at the time of committing the offence.

3. TANGANYIKA TERRITORY.

[*Contributed by* L. D. Smith, Esq., *Acting Crown Counsel.*]

Ordinances enacted—27.

Twenty-one of the twenty-seven Ordinances enacted during 1934 were amending Ordinances. The amendments effected were not substantial. The following are the most important of the remaining Ordinances:

Tea.—No. 14 provides for the control of the planting of tea in the Territory. The Ordinance is to remain in force until March 31, 1938, unless extended for a further period by the Governor with the approval of the Legislative Council.

Inquests.—No. 19 establishes the system of inquiries by coroners into cases of violent or unnatural death, etc. Resident magistrates and administrative officers having authority to hold courts of the first or second class are approved coroners by the Ordinance and the Governor may appoint any other fit person to be a coroner.

Native Tax.—No. 20 consolidates and amends the law governing the levying and collection of native taxes.

4. UGANDA PROTECTORATE.

[*Contributed by* T. C. DANDS, ESQ., *Crown Law Office.*]

During 1934 thirty Ordinances were enacted in Uganda. The more interesting or important enactments were:

Non-Native Poll Tax.—Ordinance No. 9 provides for the levy of a poll tax on all non-natives resident in the Protectorate, other than persons under 18 years of age, and temporary visitors, payable at a rate graduated according to the taxpayer's income, and replaces the flat rate of 30*s.* per annum which was levied under the repealed Non-Native Poll Tax Ordinance (c. 92, Revised Laws, 1923).

Timber Export.—The increase in the export of indigenous timber necessitated the enactment of a law providing for the inspection, grading and marking of Uganda timber before exportation in order to ensure the maintenance of a high standard in the overseas markets. Ordinance No. 11 gives legislative effect to these provisions, enabling control to be exercised over this valuable export.

Tea Production Control.—The International Restriction Scheme required that the planting of tea in East Africa should be restricted; accordingly, to give effect to a scheme recommended by the Conference of East African Governors and approved by the Secretary of State, the production of tea in the Protectorate is now controlled by Ordinance No. 17, providing for a licence system for fresh plantings of tea, by controlling the import and prohibiting the export of tea seed and by limiting the replanting of tea to areas which have been properly maintained.

Minimum Wages.—Ordinance No. 3 seeks to improve the lot of the employee in any particular trade or occupation in that it empowers the Governor in Council to fix by order the minimum wage to be paid where the wage is unreasonably low, and adapts such provisions of the International Convention of 1928, on the creation of minimum wage-fixing machinery, as are applicable to local conditions.

Weights and Measures.—The importance and increase in the purchase of native-grown produce called for control of weights and measures as laid down in the Weights and Measures Ordinance (c. 121, Revised Laws, 1923). Ordinance No. 25 empowers administrative and agricultural officers, who are continuously on the scene, to supplement the activities of inspectors of weights and measures in ensuring the justness of weighing instruments. The opportunity was also taken to amend the sections referring to penalties so as to make more explicit provision for penalties to be imposed in cases of repetition of offences in contravention of the

Ordinance, and for the imposition of imprisonment as a penalty on conviction for fraud or of attempts to defraud.

Commercial Law.—The Post Office Ordinance, No. 20, and the Companies (Tax on Capital) Ordinance, No. 14, were enacted in pursuance of the principle of uniform commercial legislation in East Africa. Existing post office law is thus consolidated, and the tax on the nominal capital of new companies effects the desired uniformity.

Dangerous Drugs.—The Opium Advisory Committee of the League of Nations pointed out the uselessness of inadequate penalties as a deterrent in dangerous drugs traffic. Ordinance No. 21 consolidates the law on the subject of dangerous drugs in this Protectorate and brings the law, including the penalty clauses, into line with the United Kingdom Acts, with, of course, such variations as are necessary to meet local requirements.

Preservation of Archæological Objects.—Certain areas of the Uganda Protectorate are known to contain structures of historical interest, fossil remains and archæological objects of great scientific importance. It was clearly necessary to preserve such relics from useless destruction and to limit the right to excavate to competent and approved persons. Ordinance No. 2 effects this control and empowers the Governor to declare any particular area containing objects of archæological or palæontological interest to be reserved.

5. ZANZIBAR.

[*Contributed by* C. FURNESS-SMITH, ESQ., *Attorney-General.*]

The following are the more important Decrees enacted during the year 1934:

Alienation of Land (Restriction and Evidence).—By Decree No. 1 the permanent alienation of land by an Arab or an African to any person other than an Arab or an African is prohibited unless and until the approval of the British Resident has been obtained to the transfer.

The methods by which an Arab or an African is allowed to mortgage his land are reduced to three: (1) by usufructuary mortgage whereby the mortgagee goes into possession of the mortgaged property and takes the rents and profits thereof in lieu of principal and interest on the mortgage debt. The term for which such a mortgage may be given is limited to twenty years, and on the expiration of the term, whether for twenty years or for a less period, the mortgagor is entitled to the return of his property free from the mortgage; (2) by simple mortgage whereby the mortgagor remains in possession of the mortgaged property, but on his failure to pay principal or interest on the mortgage debt according to the mortgage, the mortgagee has power to apply to an authorized officer to be put in possession under a usufructuary mortgage as in (1) above on such terms as shall seem fit to the authorized officer; (3) in any form either generally or specially approved by the British Resident.

Provision is also made for the redemption of a usufructuary mortgage under (1) above by the mortgagor on such terms as an authorized officer shall deem equitable in the circumstances of the case.

An appeal lies from the decisions of an authorized officer to a Land Appeal Board in cases where the property concerned exceeds Rs. 1,500 in value.

The maximum term for which an Arab or an African may lease his land is fixed by the Decree at twenty years.

No document which contravenes the provisions of the Decree shall be accepted for registration.

It is also provided that an Arab or an African who has ostensibly sold his land prior to the coming into operation of the Decree, may adduce oral evidence in a court that such conveyance was accompanied by an oral agreement between the parties that the transaction, though in form a conveyance, was intended to be no more than a mortgage, but such evidence is only admissible where the vendor can prove that he has remained in occupation of the property conveyed after the date of the conveyance and has made or agreed to make to the purchaser payments in respect of such occupation.

Finally, this Decree suspends for one year the execution of decrees or orders for the sale of land belonging to Arabs or Africans in satisfaction of mortgagees' claims or debts incurred prior to the coming into operation of the Decree.

Before coming to the group of Decrees passed in connexion with the rationalization of the clove industry, it will be convenient to mention the Moneylenders (Amendment) Decree No. 18, as it also deals with the question of credit to Arabs and Africans.

Moneylenders.—By this amendment (No. 18) the provisions of s. 15 of the Moneylenders Decree, 1928, which gives to the court power to re-open money-lending transactions, is applied to the sale of goods on credit to Arabs and Africans.

Clove Growers Association.—Decree No. 2 was enacted to legalize the position of the Clove Growers Association which heretofore had been a nebulous body having no legal rights or separate existence. The affairs of the Association are now controlled by a Board consisting of not more than seven members appointed by the British Resident. Provision is also made for the appointment of a Secretary-Manager as the Chief Executive Officer of the Association though not necessarily a member of the Board. Assistants to the Secretary-Manager may also be appointed by the British Resident.

Part II of the Decree sets out the objects, business and funds of the Association, while Part III specifies the objects for which advances may be made from the funds of the Association and the nature of the securities to be taken for such loans. Part IV prescribes the accounts to be kept by the Association and the manner in which they shall be published.

Agricultural Produce Export.—Decree No. 3 provides a system whereby agricultural produce for export may be graded and branded. The Decree applies only to cloves and copra, but provision is made for the declaration by the British Resident by notice in the *Gazette* of other produce as coming within the purview of the Decree.

Provision is made for rules to be made dealing with each class of agricultural produce in respect of its inspection, and the places and times of inspection, grading and branding for the disposal of produce which does not comply with the prescribed standard, forms of notice and fees chargeable. Offences are defined and punishments prescribed. Government liability for loss or damage to agricultural produce is limited to loss or damage occasioned by want of care on the part of Government.

Provision is made for appeals from the decisions in regard to grading of examiners and inspectors under the Decree. The Agricultural Produce Export Decree, 1929, is repealed.

Clove Exporters.—Decree No. 4 prohibits the export of cloves without a licence from the licensing authority. Such a licence will be granted only if the applicant satisfies certain conditions as to his integrity and ability to keep a register.

Provision is also made for the licensing of godowns used or intended to be used for the storage of cloves for export.

The charge for an exporter's licence is limited to Rs. 5,000, but a godown licence to an exporter is free.

Power is given to the licensing authority to enter licensed godowns for inspection of the godown, of the cloves stored therein, and of the register which is required to be kept.

Failure to comply with any of the provisions of the Decree is an offence punishable with a fine of Rs. 1,500 or with imprisonment for six months.

Adulteration of Produce.—By Decree No. 19 the adulteration of produce intended for sale and the sale of adulterated produce are made offences. "Produce" is defined as cloves and copra and any other produce, whether raw or partly or wholly manufactured, which the British Resident may by notice in the *Gazette* declare to be produce for the purposes of the Decree.

Power is given to inspectors and examiners to examine produce for the purpose of ascertaining whether it has been adulterated, and for the seizure and destruction of such produce after the owner of such produce has been convicted.

Officers acting *bona fide* under the Decree are provided with immunity from legal action in respect of such acts.

On the sale of or in a contract for the sale of any produce, the law presumes a warranty by the seller that the produce is not adulterated unless the contrary is expressed in writing signed by or on behalf of the seller and delivered to and accepted by the purchaser at the time of the sale.

Zanzibar Courts.—This amending Decree, No. 11, provides that a judge of the High Court, other than the principal judge of that Court, may sit in a magistrate's court and while so sitting shall have only the powers and jurisdiction of a magistrate. Provision is also made for appeals from a magistrate to be heard by one or more judges of the High Court.

Ground Rent Restriction.—No. 15 is primarily a consolidating Decree and follows the provisions of previous legislation in setting out the standard ground rent to be charged in the town of Zanzibar, and for the appointment of a Ground Rent Tribunal to hear disputes, and for appeals from such Tribunal.

A ground landlord is given a charge over any hut or house or land in respect of which ground rent is owing, and by an amending Decree (No. 33 of 1934) the manner in which that charge may be enforced is prescribed.

Revised Edition of the Laws.—Decree No. 21 provides for a revised edition of the laws of the Protectorate as at December 31, 1934.

Criminal Law.—The Criminal Procedure Decree, No. 23, and the Penal Decree, No. 24, provide new codes of law relating to crimes and to criminal procedure. They are for the most part adaptations of the codes in force in the mainland territories of East Africa.

The Criminal Procedure Decree is still largely based on the Indian Code of Criminal Procedure, but many alterations have been made so as to render procedure more in conformity with that in use in England.

The Penal Decree is largely based on the criminal law of England with a few sections retained from the Indian Penal Code.

Jurisdiction.—Decree No. 32 specifies the jurisdiction granted by the

Sultan of Zanzibar to His Britannic Majesty's High Court for Zanzibar and to courts subordinate thereto.

In its main details it is little more than a re-draft of c. 5 of the Revised Laws of Zanzibar passed in 1908. The principal change is the omission of the provision of the earlier Decree that officers of His Highness's Government should not enter or search the houses, warehouses or other premises of persons subject to the British court without the consent of the occupier except under warrant from the British court. That provision has been found to be impossible of application.

Native Hut Tax.—By this amending Decree, No. 34, Government is given a prior charge on any hut in respect of which hut tax is due and payable. Provision is also made as to the manner in which such charge may be enforced.

Summary Recovery of Government Debts.—Decree No. 36 provides that where a sum not exceeding Rs. 50 has been due and owing to Government for more than one month in respect of native hut tax or of ground rent in the town of Zanzibar, the proper officer may make application to the court of a resident magistrate for an order for the sale of the hut in respect of which hut tax is owing or the house or the land in respect of which ground rent is owing.

The court having made such an order, it is prescribed that the order shall be posted on the hut or house ordered to be sold and on the office of the proper officer. Sale cannot take place in pursuance of the order until thirty days have elapsed from the affixing of the order. Sales will not be confirmed until thirty days after the date of sale. The defaulter has the right to object to the sale during the period between the affixing of the order and the time of the sale and no sale shall take place while an objection is pending for hearing.

The defaulter may have the order rescinded on payment of the debt in full and costs before the date of sale or before the date of the confirmation of the sale on making a further payment of 5 per cent. of the purchase money which is to be paid to the purchaser for the loss of his bargain.

6. ANGLO-EGYPTIAN SUDAN.

[*Contributed by the* Hon. the ADVOCATE-GENERAL.]

Five Ordinances were passed during the year 1934, of which three, Nos. 1, 2 and 5, were amendments of the Customs Ordinance, 1913, and one, No. 3, makes certain minor amendments in divers Ordinances.

Carriage of Goods by Motor.—Ordinance No. 4 provides for the licensing and regulation of the carriage for reward of goods by motor vehicles in certain districts.

XI. SOUTH ATLANTIC.

BRITISH GUIANA.

[*Contributed by the* HON. HECTOR JOSEPHS, K.C., *Attorney-General.*]

There were thirty-three public Ordinances passed during the year, of which the following are the more important:

Food Prices Regulation.—Ordinance No. 1 gives full power to Government to deal with the control of prices and stocks of food or of any article used as fuel and to restrict, if necessary, the removal of any article of food from any place or district. At the beginning of the year there were heavy rains and floods which occasioned considerable damage to stocks of padi, rice, and provisions, to crops and to animals used for food, with the result that there was a certain amount of profiteering in articles of food. The prices of wood fuel and charcoal rose unduly. Government, therefore, considered the prices of these articles should be controlled.

Foodstuffs (Export Regulation).—Ordinance No. 2 amends the Foodstuffs (Export Regulation) Ordinance, c. 264, by including in the definition of " food " or " foodstuffs " in that Ordinance any animal used as food for man. This legislation was necessary as a measure of precaution, a large number of animals used for human food having been drowned by the heavy rains and floods at the beginning of the year.

Workmen's Compensation.—Ordinance No. 7 provides for the payment of compensation to workmen for injuries suffered in the course of their employment.

Loan Repayment.—Ordinance No. 8 authorizes the raising in London of a loan not exceeding £60,000 for the purpose of completing the repayment of the British Guiana Government 3 per cent. Stock 1923–45.

Public Health.—Ordinance No. 15 consolidates and brings up to date the law relating to public health and sanitation. There is established a Central Board of Health whose duty it is to advise the Governor on the health of the Colony, to take all measures conducive to public health and to supervise and control local sanitary authorities.

Rice (Export Trade).—Ordinance No. 25 extends the operation of the Rice (Export Trade) Ordinance, 1932, as amended, until December 31, 1935.

Board of Agriculture.—Ordinance No. 26 abolishes the old Board of Agriculture established by c. 150, and provides for a Board with duties of an advisory nature.

Estate Duty.—Ordinance No. 30 provides for the aggregation of all property passing on death for the purpose of determining the rate of estate duty. Where estate duty is payable in respect of any property situate in the United Kingdom or in a British Possession, a sum equal to the amount of that duty shall be deducted from the duty payable in the Colony in respect of the same property, and in the case of a foreign country from the value of the property.

Importation of Textiles (Quotas).—Ordinance No. 32 makes provision for the fixing of quotas with respect to the importation of textile goods from foreign countries. By means of a system of licensing the quantity of goods which may be imported is restricted.

Expiring Laws Continuance.—Ordinance No. 33 provides for the continuance in force of (*a*) the Sugar (Temporary) Excise Duty Ordinance, 1932 (No. 2), and (*b*) the Bill of Entry Tax Ordinance, 1932 (No. 8).

XII. WEST INDIES.

1. BAHAMAS.

[*Contributed by the* HON. HARCOURT MALCOLM, C.B.E., K.C., *Speaker of the House of Assembly*.]

Acts passed—25.

Importation of Textiles Quotas.—C. 1 permits the Governor in Council to regulate the importation of textiles by Order in Council. It institutes a system of import quotas applicable to cotton piece goods and certain other textiles with the object of meeting exceptional competition from foreign manufacturers. The quotas so fixed shall be based on the average importation for the years 1927 to 1931 in respect of any foreign country. Any person who imports contrary to the provisions of the Act shall be liable on summary conviction to a fine of £50. The Act is for one year.

Customs.—The Tariff Amendment Act, c. 2, implements the Importation of Textiles Quotas Act (c. 1) by providing a schedule for the goods which should come under that Act. The Act also provides for duty-free importation of motor cars and motor boats by visitors provided that the same are taken out of the Colony within six months after their arrival in the Colony. The rates of duty on brandy and liqueurs are reduced.

Money and Securities Attachment.—C. 4 empowers the Provost Marshal to attach money, cheques and other securities belonging to persons against whose effects a writ of *fieri facias* shall be sued out. The Act 8 Vict., c. 23 (of which this is virtually a copy) was inadvertently repealed in 1926 along with other Acts. Hence, the present Act is retroactive to April 1, 1926.

Opticians.—C. 5 regulates the practice of opticians. The Act, however, exempts from its operation the following classes of people: (1) any registered chemist or druggist; (2) any wholesale dealer in the course of ordinary wholesale business; and (3) any person selling from a permanent place of business spectacles kept in stock in a state ready for use.

Interpretation.—C. 6 defines the term "The British Empire." New sections are inserted in the Interpretation Act, providing for the computation of time. Another important new section is the statutory declaration that the rights of the Crown are not affected unless the Act expressly provides for it or unless such appears by necessary implication.

Penal Code.—C. 7 makes lawful for the Governor in Council to grant permission to visitors to fish in the waters of the Colony. The Act also provides for the caring of animals or birds by an approved society.

Real Property Tax.—C. 8 provides for the summary recovery of all penalties, expenses and sums due under the principal Act.

Electricity.—C. 9 provides for the summary recovery of all penalties, expenses and sums due under the principal Act.

Motor Cars.—C. 10 empowers the Governor in Council to make rules prescribing the maximum weight of motor cars and requiring them to be fitted with governors to limit their speed.

C. 11 empowers the Governor in Council to limit the weight of taxicabs as in the case of other motor cars.

Public Holidays.—C. 15 permits the opening of stores on Sundays and makes compulsory the closing of stores on all Fridays except the Friday immediately preceding Christmas Day. Stores, however, may be opened on Sundays and Fridays when the Governor in Council authorizes such opening by notice in the *Gazette*.

Immigrants.—C. 16 repeals and re-enacts with amendments certain sections relative to the procedure of deporting undesirable aliens; enlarges the scope of the Act; and authorizes the medical examination of a passenger or immigrant.

Currency Notes.—C. 17 authorizes the investment of the note guarantee fund except such portion thereof as the Governor in Council shall determine to be held in cash or on deposit in the Royal Bank of Canada to meet demands for the redemption of notes.

Racecourse Betting.—C. 18 extends the powers of the Governor in Council to make rules to enable the Government to have a greater measure of control over licensees under the principal Act.

2. BARBADOS.

[*Contributed by* WILFRED K. FERGUSSON, ESQ.]

Customs Tariff.—Act No. 1 defines the term " British Empire " used in Acts imposing customs duty.

Judicial Establishment.—Act No. 2 relates to the constitution of the Assistant Court of Appeal, when hearing appeals from the Registrar in his capacity as acting judge of the Bridgetown Petty Debt Court.

Lunacy.—Act No. 11 makes provision for the removal of a lunatic, not being a native of the Island.

Importation of Textiles (Quotas).—Act No. 13 institutes a system of quotas in respect of foreign textiles imported into the Island.

Bacteriologist and Pathologist.—Act No. 14 provides for the appointment of a Government Bacteriologist and Pathologist, and defines the duties attached to the office.

Sentence of Death (Expectant Mothers).—Act No. 31 prohibits the passing of sentence of death on expectant mothers.

Infanticide.—Act No. 32 provides that a woman who wilfully causes the death of her newly born child may in certain circumstances be convicted not of murder, but of infanticide, and punished as if she had been guilty of manslaughter.

3. JAMAICA.

[*Contributed by* C. E. A. BEDWELL, ESQ.]

1932.

Acts passed—18.

Employment of Young Persons.—Any young person between the age of 12 and 16 may not be employed on night work, *i.e.* between 8 p.m. and 6 a.m. Law No. 5 also forbids the employment of any child under 14 upon any ship other than one on which only members of the family are employed.

Court of Appeal.—The important law of the session (No. 9) establishes a Court of Appeal consisting of the Chief Justice and another judge. Shorthand writers are attached to the Court. An appeal will lie from the Grand Court of the Cayman Islands and the Supreme Court of the Turks and Caicos Islands. The Court shall also have appeal jurisdiction in magistrates' civil cases as well as in criminal. The appellant may have legal aid at the discretion of the Court and the fees will be paid out of Court funds· An appeal also lies in Contempt of Court proceedings in the Courts of the Cayman Islands and Turks and Caicos Islands.

Government Stock.—The law relating to the Stock of the Island is consolidated in No. 10.

Banana Industry.—Owing to the damage by hurricane the Government assists the banana industry by authorizing loans by law No. 15.

1933.

Acts passed—36.

Unlawful Possession.—A constable by law No. 8 has authority to arrest any person "having in his possession or under his control in any manner or in any place anything which the constable has reasonable cause to suspect to have been stolen or unlawfully obtained." Unless the person can give an account to the satisfaction of the magistrate by what lawful means he came by the same he is liable to a penalty of £20 or imprisonment with or without hard labour for six months.

Employment of Children.—Law No. 12 is complementary to law No. 5 of 1932 (*ubi supra*) and forbids the employment of children under 12.

Hurricane Damage.—No. 25 is on the same lines as law No. 15 of the previous year (*ubi supra*). Another law giving relief on account of the hurricane is No. 28, providing loans to those who sustained losses.

1934.

Acts passed—26.

Textiles.—Law No. 3 gives a quota for the importation of textiles.

Business Licences.—The law relating to licences for trades and businesses is consolidated in No. 8.

Nursing Homes.—The inspection of nursing homes is regulated by No. 9.

Rum.—No. 18 lays down the ether content of rum manufactured in the island. No. 22 is somewhat wider in its scope and regulates the manufacture and sale of rum in the Island.

4. WINDWARD ISLANDS.

(i) GRENADA.

[*Contributed by the* HON. C. C. ROSS, *Attorney-General.*]

During the year 1934, twenty-one Ordinances were passed, of which the following are the principal:

Importation of Textiles.—Ordinance No. 3 introduces a system of import quotas for the protection of British trade in textile goods and to serve as an effective check on the further expansion of foreign competition.

Revised Edition of the Laws.—Ordinance No. 5 provides for the preparation and publication of a revised edition of the laws of this Colony and all subsidiary legislation in force on December 31, 1934.

Employment of Women, Young Persons and Children.—Ordinance No. 8, passed to give effect to the Secretary of State's dispatch No. 80 of June 10, 1932, carries out certain Conventions relating to the employment of women, young persons and children.

Loan.—Ordinance No. 9 authorizes the raising of a loan in London for the execution of certain works in the Colony contained in a Schedule to the Ordinance.

Interpretation.—Ordinance No. 10 repeals and re-enacts in greater and further detail the former Ordinance, c. 1 of the 1911 Revised Edition.

Land Acquisition.—Ordinance No. 11 repeals and re-enacts the former Ordinance, c. 122 of the 1911 Revised Edition. Certain recommendations were made by the Secretary of State's legal advisers and were adopted and included in the Ordinance.

Carriacou Cotton Replacement.—Ordinance No. 15 provides for planting a new variety of cotton in Carriacou. The experiment is being conducted on expert advice under full government control, and if it is successful it is contemplated that this Ordinance will be replaced by a more permanent and comprehensive piece of legislation.

Minimum Wage.—Ordinance No. 18 gives effect to the Convention adopted by the International Labour Conference held at Geneva on June 16, 1928, and is similar in form to that enacted in other Colonies.

Workmen's Compensation.—Ordinance No. 19 provides for the payment of compensation to workmen for injuries suffered in the course of their employment and was passed on the directions of the Secretary of State to bring the local law more up to date with the legislation in England on the subject. The Ordinance follows Trinidad legislation.

(ii) Saint Lucia.

[*Contributed by* J. E. M. Salmon, Esq.]

Ordinances passed—23.

Agriculture.—The Banana Ordinance, No. 1, as amended by No. 16, provides for the control, export, and marketing of bananas locally grown, the object being to ensure to growers a fixed price payable on shipment and to standardize the quality of bananas exported by rejection of unsuitable fruit.

The Fruit (Exportation) Amendment Ordinance, No. 3, amends the definition of " Fruit Inspector."

Commerce.—The Importation of Textiles (Quotas) Ordinance, No. 7, as amended by No. 13, regulates and restricts the import of textiles from any country as defined, including the issue, restriction, and transfer of import licences.

Commercial Law.—Commercial Code (Bankruptcy) Amendment, No. 12, provides that a non-trader may also be adjudicated a bankrupt.

The Commercial Code (Patents, Designs and Trade Marks) Amendment Ordinance, No. 21, amends No. 4 of 1930 and defines the powers of the Royal Court over rights conferred by the certificate of registration of a design in the United Kingdom.

Criminal Law.—No. 19 amends the Criminal Code, 1920, in respect of the procedure to be followed in cases where expectant mothers are convicted of offences punishable with death.

Labour.—The Employment of Women, Young Persons and Children Ordinance, No. 22, gives effect to certain conventions of the League of Nations relating to such employment and is based on Imperial Legislation.

Public Officers.—The Official Emoluments Levy Ordinances, Nos. 2 and 17, continued during the years 1934 and 1935 respectively the temporary levy on the emoluments of public officers.

The Pensions Amendment Ordinance, No. 8, provides for the grant of a pension to a Governor retired and eligible for a pension under the Pensions (Governor of Dominions, etc.) Acts, although under the age of fifty-five years. It also stipulates the conditions under which a public officer is to be entitled to a gratuity and reduced pension, or to a death gratuity, and provides for a pension, gratuity or allowance to an officer removed for inability to discharge his duties efficiently to which he would not otherwise be entitled.

Towns and Villages.—The Marchand Recreation Ground Ordinance, No. 9, vests in the Castries Town Board a disused cemetery for use as a public recreation ground under the conditions prescribed in the Ordinance.

The Towns and Villages (Water Supply) Amendment Ordinance, No. 11, empowers the Governor in Council to fix water rates on failure of the local Water Authority to do so.

(iii) ST. VINCENT.

[*Contributed by the* HON. H. A. O'REILLY, *Attorney-General.*]

The following are the most important of the eighteen Ordinances which passed into law in 1934:

Agricultural Credit Societies.—Ordinance No. 1 repeals and re-enacts c. 35, enlarging the scope of agricultural credit societies and making provision for their better control.

Bananas.—Ordinance No. 4 creates a body corporate to market, regulate and control the export of bananas.

Importation of Textiles.—Ordinance No. 5 empowers the Governor in Council to fix quotas on textiles manufactured in foreign countries.

Labour (Minimum Wage).—Ordinance No. 14 empowers the Governor in Council to fix a minimum rate of wage under certain circumstances.

5. TRINIDAD AND TOBAGO.

[*Contributed by* E. LE GENDRE, ESQ.]

The most important Ordinances passed during the year 1934 were as follows:

Spirits and Spirit Compounds.—Ordinance No. 2 relaxes the provisions contained in ss. 15 and 17 of the Spirits and Spirit Compounds Ordinance, 1933, which absolutely prohibited a licensed retailer of spirits from being a distiller of spirits or having any interest whatever in a distillery and vice versa. Such may now be allowed with the written permission of the Governor in Executive Council and subject to conditions therein contained.

Light Dues.—The Bahamas and Leeward Islands Light Dues Ordinance, No. 5, supplements the collection of lighthouse dues in ports of Great Britain and Northern Ireland in respect of ships passing the lights and buoys situate in the Bahamas and Leeward Islands and specified in the Schedule to the Ordinance.

Banana Control.—Ordinance No. 7 creates a Banana Board of Control, except by the permission of which the export of Gros Michel bananas is prohibited. All such bananas intended for export must be delivered to the Board and exported after grading and selection.

Bills of Exchange.—Ordinance No. 8 removes the limitation of one hundred pounds in the case of a bill or note signed by a person by mark or in characters other than European. A form of attestation is provided.

Registration of Clubs.—Ordinance No. 11, which repeals and re-enacts the provisions of c. 202, distinguishes between proprietary and members' clubs and prescribes rules for their better regulation.

Mortgages Extension.—Ordinance No. 12 postpones the payment of the principal sum secured by mortgages and other encumbrances on land situate in the area damaged by the hurricane of June 27, 1933, in favour of advances made by the Government to owners of such lands for the purpose of re-establishing same. A Mortgages Extension Board is hereby created and empowered to deal with applications for relief, and to make an order restraining an encumbrancer, when satisfied that no undue hardship will be occasioned.

Town Planning.—The Public Health (Amendment) Ordinance, No. 15, gives effect to the recommendations contained in the Report on Town Planning in so far as the Committee's recommendations applied to buildings and streets. The control exercised by local sanitary authorities under the Public Health Ordinance has been extended into the areas dealt with under the Streets and Buildings Ordinance. Under the Public Health Ordinance, " The Local Authority " is the City Council of Port-of-Spain, and the Councils of San Fernando and Arima, while in rural districts various local authorities are appointed by the Governor.

The provisions of Part II of the Public Health Ordinance which deal with streets in urban districts are extended to rural districts, and Parts III and IV, which deal with building areas and dwelling houses, are repealed but re-enacted with other provisions which include those of the Streets and Buildings Ordinance which has also been repealed ; thus the overlapping powers and jurisdiction of various authorities are avoided, and the powers conferred by Parts II, III and IV, as amended in this Ordinance, will be exercised by local authorities under the supervision and control of the Central Board of Health.

Pensions.—Ordinance No. 16, which is a consolidating Ordinance, also introduces new and better provisions. New regulations have been made thereunder in substitution for the regulations which they repeal.

The Widows and Orphans Pensions Ordinance, No. 17, repeals and replaces all former provisions dealing with the payment of pensions to widows and orphans of deceased public officers.

Elections (Legislative Council).—Ordinance No. 18 amends the principal Ordinance, No. 42 of 1925, and requires a deposit of £25 by or on behalf of a candidate. Provision is made for the forfeiture of such deposit upon the candidate polling votes not exceeding one-eighth of the total number of votes. The Ordinance also regulates the procedure relative to an election petition.

Importation of Textiles (Quotas).—Ordinances Nos. 20 and 21 empower the Governor to fix, by proclamation, a quota for non-empire textiles in excess of which the importation of such textiles is prohibited during the period of the quota.

Currency Interpretation.—Ordinance No. 23 enables all Government accounts to be kept in dollars and cents by the substitution of the same in all the laws of the Colony, where reference is made to pounds, shillings and pence. Four dollars and eighty cents has been taken as the equivalent value of a pound sterling.

Mental Treatment.—Ordinance No. 25 introduces the benefits of the Mental Treatment Act, 1930, of England, and provides for the admission of voluntary or temporary patients into an institution without certification, thus encouraging persons to apply for treatment in earlier and more curable stages of mental illness. The treatment of mental disease has been affiliated to that of physical disease, and the words " mental hospital " and " persons of unsound mind " are substituted for the words "asylum" and "lunatics," except with respect to references to a "criminal lunatic."

Savings Banks.—Ordinance No. 27 purposes to ensure the proper constitution of local savings banks, to control the same when constituted to such extent as may be necessary in the public interest, and to afford such privileges and immunities to properly organized and established banks as may be desirable. Banks already licensed under other laws of the Colony, building societies, friendly societies, and commercial undertakings authorized to accept money from shareholders or employees on deposit bearing interest, are excluded from the operation of the Ordinance.

Customs.—Ordinance No. 30 removes the restrictions imposed on the importation into the Colony of foreign dyestuffs.

Gambling Prevention.—Ordinance No. 36 imposes a tax on sweepstake tickets and makes obligatory the practice of distributing 5 per cent. of the amount derived from the sale of tickets amongst charities.

Summary Jurisdiction (Married Women).—Ordinance No. 38 brings the local law into line with the Summary Jurisdiction (Married Women) Act, 1895, and statutes amending the same, and repeals the provisions of the Maintenance Ordinance (c. 66) which had been in existence since 1865.

Government Currency Notes.—Ordinance No. 40 repeals the former provisions contained in c. 212, under which notes were issuable and redeemable in exchange for coin, and provides that the Commissioners shall in future issue notes in the Colony in exchange for sums in sterling lodged with the Board or the Crown Agents in London and to be redeemed in the same manner. The change of system, *inter alia*, relieves the Commissioners of the necessity of holding any part of the Guarantee Fund in coin and obviates physical movements on the issue or redemption of notes.

Rates, Taxes and Licences (Payments by Cheque).—Ordinance No. 41 enables cheques to be accepted by Government Departments and Public Authorities in payment of rates, taxes or licences, and provides penalties in the event of such cheques being dishonoured.

Motor Vehicles and Road Traffic.—Ordinance No. 42 repeals and consolidates the provisions contained in various Ordinances relating to the licensing and use on public roads of motor vehicles and the regulation of vehicular traffic; it provides for the constitution of a Transport Board to deal with transport and traffic problems and sets up one Licensing and Registration Authority for the whole Colony.

Opportunity has been taken in many respects to bring the existing law into line with the Road Traffic Act, 1930, and the amending Act of 1934.

XIII. MEDITERRANEAN.

1. GIBRALTAR.

[*Contributed by* H. RALPH HONE, ESQ., M.C., K.C., LL.B., *Attorney-General.*]

Ordinances passed—49.

Probates Re-sealing.—Like the laws of many other Colonies dealing with the same matter, Ordinance No. 1 follows in the main the provisions of the Colonial Probates Act, 1892 (55 & 56 Vict., c. 6) with the one essential difference that it applies at once to the re-sealing of probates and letters of administration issuing from competent courts in any part of the British Commonwealth and possessions without any condition precedent as to reciprocity.

Animals Protection.—Ordinance No. 2 brings up to date the principal Ordinance enacted in 1912, and in particular prohibits the export of unfit horses—a provision that was enacted having particular regard to the demand for cheap horses for the purposes of bull fighting in adjacent territories.

Estate Duties.—Ordinance No. 4 introduces estate duties for the first time in Gibraltar. The Ordinance follows very closely a similar Ordinance passed in Trinidad in 1930, save that the provisions relating to succession duties have not been incorporated and the rates of duty are very low—the maximum being fixed at 2 per cent. in the case of estates exceeding £25,000.

Currency Notes.—Ordinance No. 6 makes provision in an improved form for the issue of currency notes in the Colony and in particular sets up a Note Security Fund and an Income Account in order that the current income and expenses of the Currency Commissioner should be separated from capital items in the accounts. The Ordinance also ensures that many matters should be subject to the approval of the Secretary of State for the Colonies so that, as far as possible, uniform procedure may be adopted in the future by all dependencies in regard to the form and design of notes to be issued, methods of printing and the investment of moneys of the Note Security Fund held by the Crown Agents.

Coroners.—Ordinance No. 8 incorporates in the local law most of the amendments introduced in England by the Coroners (Amendment) Act, 1926 (16 & 17 Geo. V, c. 59).

Public Officers Protection.—Ordinance No. 10 follows the provisions of the Public Authorities Protection Act, 1893 (56 & 57 Vict., c. 61).

Bankruptcy.—Ordinance No. 13 enacts in substance the Bankruptcy Act, 1914 (4 & 5 Geo. V, c. 59), as amended by the 1926 Act (16 & 17 Geo. V, c. 7), save that s. 4 of the last-mentioned Act which relates to the recovery of property transferred without knowledge of a receiving order has not been adopted. The main departure from the English system is that the property of debtors is dealt with by a trustee who is selected by the court in any particular cause from a panel of official trustees who are appointed by warrant of the Governor.

Truck.—Ordinance No. 17 adds to the local law the provisions of the Truck Act, 1896 (59 & 60 Vict., c. 44).

Birds Protection.—Ordinance No. 18 enacts the substance of the Protection of Birds Act, 1933 (23 & 24 Geo. V, c. 52), save that the Schedule has been enlarged and amended in the light of local conditions, and for the purposes of the Ordinance a species of birds is deemed to be local "if and only if it is a species resident in or visiting Gibraltar, Spain or Morocco in a wild state."

Jury.—Ordinance No. 22 makes a number of minor amendments in the procedure of summoning and selecting juries, and in particular it raises the property qualification for eligibility for jury service from £30 annual assessment value to £50 in the hope of securing a better educated type of juror.

Stamp Duties.—The bulk of Ordinance No. 23 is taken up in making such amendments to the principal Ordinance as were rendered necessary consequent upon the compulsory use of impressed stamps on practically all documents as in the United Kingdom. The only other amendments worthy of notice are the reduction of the stamp duty on cheques and the like from *2d.* to *1d.* and the introduction of s. 37 of the Stamp Act, 1891 (54 & 55 Vict., c. 39) and s. 42 of the Finance Act, 1933 (23 & 24 Geo. V, c. 19) to enable the Colony to adhere to the International Convention on Stamp Laws.

Moneylenders.—Ordinance No. 27 adds to the local law the provisions of the Moneylenders Act, 1927 (17 & 18 Geo. V, c. 21) and ss. 4 and 5 of the Betting and Loans (Infants) Act, 1892 (55 & 56 Vict., c. 4).

Alien Traders.—Ordinance No. 29 replaces in more ample and satisfactory form an earlier Ordinance of 1924 dealing with the same matter. The purpose of the legislation is to restrict the numbers of non-Gibraltarian traders in the Colony. It requires British subjects who are not natives of Gibraltar as well as aliens in the ordinary sense to obtain licences to carry on certain trades and businesses. In addition the Ordinance requires for the first time certain companies to be similarly licensed. This additional power was necessary as it had been found that the formation of private companies locally registered was a method commonly employed to overcome the restriction sought to be imposed by the earlier law. This legislation is thought to be peculiar to Gibraltar and it cannot be said that the added restrictions imposed by this new Ordinance have yet entirely effected its primary object.

Arbitration.—Ordinance No. 31 incorporates into the local law the provisions of the Arbitration Act, 1934 (24 & 25 Geo. V, c. 14).

Dangerous Drugs.—Ordinance No. 32 is a consolidating and amending measure which brings up to date a number of earlier enactments and deals in more detail than before with the importation, exportation and transit of dangerous drugs to which the Geneva Convention, 1925, relates.

Entertainments.—Ordinance No. 38 represents a modernizing of the local control over the holding of stage entertainments (including cinematograph shows), public dancing and musical entertainments. Licensing is divided into two main categories: firstly, premises which are habitually kept for public entertainments require to be licensed. Entertainments which are given in such premises do not *per se* require to be licensed but are subject to the intervention of censorship in the manner hereafter mentioned; secondly, where an entertainment is to be held in any unlicensed premises that entertainment and the premises require to be licensed on each and every occasion that the entertainment is given or the premises used.

There is no provision for prior censorship of any form of public entertainments, but the licensing authority has power to stop or to require the alteration of any entertainment the performance of which he deems likely to be in breach of public manners, decorum or of the public peace. The Sunday opening of cinemas is permitted subject to the payment of a percentage of Sunday profits to a special fund which is earmarked for the purchase of cinematograph apparatus and films for use in government-aided schools and for any other purpose of a charitable or educational nature which the Governor, subject to the approval of a Secretary of State, may declare. The percentage payable to this fund falls to be fixed by the Governor by notice in the *Gazette*, but in any event may not exceed 25 per cent. At present, in order to gain experience, it is fixed at a nominal figure of 1 per cent. The sections of the Ordinance relating to Sunday observance follow the model of the Sunday Entertainments Act, 1932 (22 & 23 Geo. V, c. 51).

Offences Against the Person.—Ordinance No. 39 enacts as a local law the Offences against the Person Act, 1861 (24 & 25 Vict., c. 100) which was previously in force as an "applied Statute," and further enacts in consolidated form all subsequent English legislation of the same character. The offences introduced into Gibraltar for the first time by this Ordinance are the offences of child destruction (19 & 20 Geo. V, c. 34), cruelty to persons under sixteen, encouragement, etc., of seduction and permitting persons under sixteen to frequent brothels (23 & 24 Geo. V, c. 12, ss. 1, 2 & 3). In addition the Ordinance includes ss. 2 (1), 3 (2) and 5 (2) of the Firearms and Imitation Firearms (Criminal Use) Act, 1933. Two points of divergence from English law are worthy of notice. Firstly, s. 7 of the Criminal Law Amendment Act, 1885, which relates to the abduction of girls under eighteen with intent has been enacted with the age lowered to sixteen since in Gibraltar young girls attain physical maturity at an earlier age than is the case in England. Secondly, an attempt has been made to remedy a serious defect in English law by modifying the terms of the proviso to s. 2 of the Criminal Law Amendment Act, 1922 (12 & 13 Geo. V, c. 56) which has proved an unfortunate piece of legislation and has been severely criticized from time to time by the Bench in England.[1] Provision has accordingly been made that in the case of a person charged with the offence corresponding to s. 5 (1) of the Criminal Law Amendment Act, 1888 (48 & 49 Vict., c. 69) or of indecent assault or of the offences corresponding to s. 6 of the Criminal Law Amendment Act, 1888 (in either of the last two instances where the girl in respect of whom the offence is charged was 13 or over and under 16) it shall be sufficient defence for the person charged to prove that on the date of the alleged offence charged: (*a*) he had not attained the age of twenty-four years; and (*b*) he had reasonable cause to believe and did believe that the girl in respect of whom the offence is charged had at that date attained the age of sixteen years; and (*c*) in the case where the offence charged is an indecent assault, that the girl consented to the act of indecency.

It will be observed that apart from correcting some ambiguity in drafting in the proviso to s. 2 of the Criminal Law Amendment Act, 1922, the defence of reasonable belief is extended to indecent assaults and further that the defence is not limited, as in England, to the first occasion on which a person is charged with the same or cognate offence. This omission in the new Gibraltar section is justified on the ground that no previous conviction (or charge as it is unfortunately expressed in the present English section) can possibly be relevant to the question whether an accused person had or had not reasonable grounds for thinking that a girl was or was not over the age of sixteen years unless, of course, a subsequent charge were in respect of the same girl, in which case it would obviously be of no use to raise the defence at all.

Criminal Justice Administration.—Ordinance No. 40 represents a consolidation with minor amendments of the provisions of some eighteen local Ordinances dealing with criminal procedure. The main items of new matter contained in this very lengthy piece of legislation are (*a*) the provisions relating to procedure in the case of children and young persons based on ss. 14, 31, 34 and 36 to 55 of the Children and Young Persons Act, 1933 (23 & 24 Geo. V, c. 12), including the setting up of juvenile courts in simple form; (*b*) a codification of the law relating to criminal lunatics; (*c*) the adoption of the provisions of the Sentence of Death (Expectant Mothers) Act, 1931 (21 & 22 Geo. V, c. 24); (*d*) the raising of the maximum amount payable under an affiliation order from five to ten shillings per week; (*e*) the inclusion of a provision that courts of summary jurisdiction may make a maintenance order including a payment for each child of an amount not exceeding ten shillings per week; (*f*) provision for the revocation of an adjudication of paternity, thus remedying the state of affairs revealed in the recent case of *Batchelor* v. *Smith*,[1] and (*g*) the incorporation into the section relating to cases stated of the extended period of time, etc., for serving the case on the other party as set out in the English R.S.C. (No. 3) 1934, thus removing a difficulty in procedure which in England proved fatal to the Duke of Atholl in endeavouring to state a case to the High Court in regard to a lottery prosecution.[2]

---

[1] See *Rex* v. *Forde*, 17 Cr. App. R. 99; *R.* v. *Lawes*, 21 Cr. App. R. 45; *R.* v. *Keech*, 21 Cr. App. R. 125; *R.* v. *Chapman*, 23 Cr. App. R. 63; and *R.* v. *Maughan*, 24 Cr. App. R. 130.

Adoption of Children.—Ordinance No. 41 follows almost verbatim the Adoption of Children Act, 1926 (16 & 17 Geo. V, c. 29).

Mental Treatment.—Ordinance No. 42 makes further and better provision for the adjudication and treatment of the insane; the provisions of the Ordinance are largely based on corresponding English law and have the advantage of dealing with this branch of law from the point of view of the care and treatment of persons of unsound mind rather than from the quasi-penal standpoint which predominated in the earlier law in force in the Colony.

City Council.—Ordinance No. 47 adds to the principal Ordinance a number of sections dealing with election offences and the procedure at polls. In particular provision is made for the presentation and hearing by the Supreme Court of election petitions, while the maximum amount allowed to be expended for a candidate's election expenses is fixed at £50.

Public Health.—Ordinance No. 48 introduces restrictions on the placing of beams, ropes and wires, etc., over highways following s. 25 of the Public Health Act, 1925 (15 & 16 Geo. V, c. 71) and vests in the City Council control over advertisement signs.

Titles to Lands.—Ordinance No. 49 requires that when deeds are submitted for registration proof of due execution shall be adduced to the Registrar, and provides that all deeds registered after the coming into operation of the Ordinance shall in all proceedings be presumed to have been duly executed unless the contrary is proved. The Ordinance further provides that certified copies or extracts of registered deeds may be supplied by the Registrar and that such copies or extracts authenticated by the Registrar shall be *prima facie* evidence of the contents of the deed and of the fact and date of registration as shown thereon.

2. CYPRUS.

[*Contributed by the* HON. N. PASCHALIS, K.C., *Acting Attorney-General.*]

During the year 1934 fifty-two laws were enacted, of which the most important were the following:

Game and Wild Birds.—Law No. 3 amends and consolidates the law relating to the preservation and protection of game and wild birds.

---

[1] Referred to at p. 144 of vol. 177 of the *Law Times Journal.*

[2] See *Atholl* v. *Read*, [1934] 2 K.B. 92.

Firearms.—Law No. 5 effects certain amendments to the Firearms Law, 1933; it prohibits the possession of revolvers and pistols without a permit from the Governor and it provides for facilities to visitors who wish to bring their shot guns with them to the Island.

Municipal Corporations.—Law No. 16 suspends elections to Municipal Councils until the year 1940, and empowers the Governor in the meantime to appoint qualified persons to be members of the Councils of Municipal Corporations and to nominate from among such persons the Mayor and Deputy Mayor.

Newspapers, Books and Printing Presses.—Law No. 26 amends and consolidates the law relating to the printing and publication of newspapers and other publications, the registration of books and the keeping of printing presses.

Civil Wrongs.—Law No. 35 simplifies the procedure whereby a successful plaintiff in a libel action against a newspaper can recover damages from the sureties to the bond given under the Newspaper, Books and Printing Presses Law, 1934. The trial court is now empowered to order that the judgment be enforced against the sureties without applying to the Supreme Court for an order. It also provides a remedy for persons whose goods are slandered.

Civil Procedure.—Law No. 37 empowers any court in the Colony before which an action is pending to issue requests to courts in foreign countries to examine witnesses who reside within the jurisdiction of such courts and to authorize any party to such action to give in evidence therein the depositions of witnesses so examined.

Courts of Justice.—Law No. 45 effects certain amendments to the Cyprus Courts of Justice Order 1927, the most important of which are the following: (*a*) It provides that where the accused is unable to plead by reason of physical infirmity the court proceeds in the same manner as if he had pleaded not guilty; (*b*) It empowers the Attorney-General to delegate his power of entering a *nolle prosequi* to the Solicitor-General or a Crown Counsel in all proceedings other than proceedings preliminary to the committal of the accused for trial on information and to remit back to the lower court any case committed for trial which, in his opinion, can be suitably dealt with by such court; (*c*) It assimilates the Law of Cyprus to the English law of evidence as to corroboration.

Cinematograph Films.—Law No. 47 provides for the better regulation and control of public cinematograph exhibitions and establishes a Board of Censors consisting of such persons, not being less than nine and not more than twelve, as may be appointed by the Governor.

3. MALTA.

[*Contributed by* C. JOHN COLOMBOS, ESQ., LL.D.]

Ordinances passed—40.

Horse and Greyhound Racing.—Ordinance No. 5 legalizes the operation of a totalizator and all " betting transactions " on horse or greyhound races effected at approved meetings and under the direction of a " Racecourse Control Board " specially set up.

Official Secrets.—The principal Ordinance of 1923 is supplemented in two material respects by the enactment of an amending Ordinance (No. 9) which provides that the trial shall take place before three judges sitting in the Criminal Court without a jury and further empowers the prosecution to ask that the publication of the reasons on which the sentence is passed be held *in camera* if reasons of national safety so demand.

Control of Aesthetic Buildings.—Ordinance No. 11 supplements the principal Act of 1926 and enacts that the Governor may prohibit the display of advertisements on public or private buildings if they "seriously injure the amenity of the surrounding areas."

Workmen's Compensation.—Ordinance No. 28 generalizes the provisions of the Workmen's Compensation Act of 1929 by extending it to all workmen of the age of fourteen and upwards who sustain personal injury by accident "arising out of and in the course of their work" and subject to the conditions therein laid down.

Civil and Criminal Procedure.—Ordinances Nos. 30 and 31 enact that the "Maltese language shall be the official language" of the courts except in the case of non-Maltese parties when the proceedings or trial are to be conducted in the English or Italian language.

Death Sentences.—Ordinance No. 37 prohibits the passing of a death sentence upon an expectant mother by commuting it to imprisonment with hard labour. The question whether a woman is pregnant is to be decided, before sentence is passed, by the same jury empanelled for the trial, and by a majority of votes. If the allegation of pregnancy is made after the jury is discharged, the Ordinance provides that another jury must be empanelled.

XIV. MIDDLE EAST.

PALESTINE.

[*Contributed by* RALPH WINDHAM, ESQ., *Legal Draftsman.*]

Forty Ordinances were enacted in Palestine during 1934, of which the more important were the following:

Arbitration.—No. 17, Arbitration (Foreign Awards), provides for the enforcement in Palestine of arbitral awards made in territories to which the International Convention on the Execution of Foreign Arbitral Awards signed at Geneva on September 26, 1927, and the Protocol of Arbitration clauses therein agreed to, have been applied by the parties to that Convention.

Collection of Taxes.—No. 16 amends s. 8 of the principal Ordinance (No. 26 of 1929), by the addition of a proviso that where under that section a District Commissioner issues a warrant for the sale of the immovable property of a defaulter who has failed to pay any lawful tax within fifteen days of due date, there shall be left to the defaulter such house accommodation as shall be necessary for him and his family, and, if he be a farmer, so much land as shall be necessary for their support.

Defamation of Princes.—No. 4 protects foreign princes and other foreign dignitaries of State from defamation in Palestine.

Firearms.—No. 9 amends the principal Ordinance (No. 20 of 1922) in order to provide more effective control over the possession of firearms and the issue of firearm licences; the chief amendment empowers a District Commissioner to direct the withdrawal of licences and the delivery up to the police of all firearms within his district in cases of emergency, or when disturbances of the peace have taken place or are apprehended.

Landlord and Tenant.—The Landlords and Tenants (Ejection and Rent Restriction) Ordinance, No. 11, prescribes maximum rents (Part II) and maximum increases of rent (Part III) and imposes restrictions upon the ejectment of tenants (Part I), of dwelling houses situated in any municipal area to which the Ordinance, or the relevant Part, is applied by Order in Council. Its provisions remained in force until March 31, 1935, but they have since been re-enacted and extended, as in the case of the English Rent Restriction Acts, upon which its provisions have been substantially based. The Ordinance was necessitated by the rapid development of and influx of capital into Palestine, resulting in unchecked raising of rents. The Ordinance makes provision for sub-tenants as well as tenants. It further provides for the appointment of Rent Commissioners, to whom disputed points are to be referred for decision ; appeal from such decision will lie to a Rents Tribunal and from thence to the District Court on points of law.

Law of Procedure.—No. 21 removes certain existing doubts as to the persons who may institute and prosecute criminal proceedings in Palestine, by providing that all criminal proceedings may be instituted and prosecuted by the Attorney-General or his representative or by any person expressly authorized by any Ordinance, and that any police officer may institute proceedings before a magistrate's court or municipal court, and may prosecute any proceedings which are by way of preliminary inquiry or summary trial.

Municipal Corporations.—No. 1, the most important enactment of the year, establishes municipal corporations in Palestine. Existing municipalities, together with Tel-Aviv (till then a township) are included in its provisions, and the High Commissioner is given power, after consulting the views of the public concerned, to establish new municipalities or to abolish or vary the limits of existing ones. The Ordinance is primarily concerned with the setting up of municipal corporations and their councils on a satisfactory working basis, by giving them powers to perform their functions and establishing a sound system of finance and a responsible body of municipal servants. It provides for the management of the affairs of municipal corporations by councils elected by direct election. The qualifications of electors and of councillors are the previously existing ones, subject to local variation upon the representation of a council, while the mayor and deputy mayor are to be appointed by the High Commissioner from among the councillors. Provision is made for the audit of the accounts of all municipal corporations by the Government Auditor, and the approval of their estimates by the High Commissioner. The duties and powers of councils are set out in detail and they are given adequate powers to make, with the approval of the High Commissioner, by-laws to enable them to carry out those powers and duties. Provision is made for the imposition and collection of rates and for the preparation of assessment lists, and for appeals therefrom.

The Ordinance has worked well in practice, and the encouragement and facilities which it provides for local self-government are an important step in the political development of Palestine.

The Ordinance repeals a number of previous Ordinances and Ottoman laws and regulations relating to municipalities.

Palestine Loan.—No. 28 authorizes the High Commissioner to raise a loan of two million pounds, for the several purposes set out in the schedule, which include the resettlement of displaced Arabs, various water supply and drainage schemes, agricultural credits, and the construction of public and educational buildings. Provision is made for the formation of a sinking fund. The loan is to be managed by the Bank of England, and the principal and interest are guaranteed by the British Treasury under the Palestine Loan Act, 1934.

Passports.—No. 34 repeals the existing legislation with regard to the issue of travel documents, contained in the Passports Ordinances, No. 35 of 1925, No. 1 of 1928 and No. 1 of 1932, and consolidates their provisions together with certain amendments designed to improve methods of control. The amendments empower the High Commissioner to issue documents of identity in lieu of passports, to attach conditions to the grant of any travel document, and to impound it or require its surrender. The offence of obtaining a travel document by personation or false representation is extended to obtaining its renewal in such manner.

Pensions.—No. 15 (Sharia Courts Pensions Ordinance) provides for the grant of pensions or gratuities to certain officers of the Sharia Courts. The Ordinance follows the provisions of the Pensions Ordinance, 1925, which regulate generally the grant of pensions and gratuities to government servants in Palestine.

Police.—No. 2 amends and elaborates the provisions of ss. 33 and 34 of the principal Ordinance (No. 17 of 1926), which deal with the regulation of public gatherings and processions and the formation of unlawful assemblies.

Rabies.—No. 39 makes provision for the prevention and combating of rabies, which could hitherto only be done inadequately by subsidiary legislation under certain provisions of the Diseases of Animals Ordinance (No. 3 of 1926), which have accordingly been deleted from that Ordinance. The Ordinance provides for the maintenance of isolation kennels, and for the detention, and in certain circumstances the destruction, of animals suspected to be suffering from rabies, or of stray dogs, cats or monkeys which appear to be of savage disposition and liable to contract or transmit the disease. The Chief Veterinary Officer is given power to declare any area to be infected with rabies, and the Ordinance prescribes further precautional measures to be observed in such areas. Powers are conferred upon police, medical, veterinary and district officers, enabling them to secure observance of the provisions of the Ordinance, in which municipal and local councils, village mukhtars and tribal sheikhs, are required to assist.

Road Transport.—No. 25, amending No. 23 of 1929, exempts officers of regular consular services in Palestine from payment of fees for the grant or renewal of driving licences.

Statute Law.—The Revised Edition of the Laws Ordinances, Nos. 29 and 31, authorize the preparation by a Commissioner (the Legal Draftsman at that time) of a revised edition of all Ordinances enacted in Palestine before December 31, 1933, with the exception of certain minor Ordinances of limited application. The Commissioner is given power to alter the arrangement of Ordinances, and to make changes of a formal or grammatical nature.

No. 30 (Statute Law Revision) sets out many minor amendments, mostly of a mere formal or verbal nature, in a number of existing Ordinances.

Tobacco.—No. 32 amends No. 8 of 1925 by giving the Director of Customs, Excise and Trade power to withhold the grant of a licence to plant tobacco in certain named circumstances, with the primary object of ensuring that tobacco is planted in land suitable for its cultivation.

Usurious Loans.—No. 20 sets out more fully than heretofore the powers of the court in dealing with transactions of a usurious nature. It enables a borrower to apply to the court for relief in usurious transactions at any time, and not as before, only where proceedings were taken against him for the recovery of the debt.

FOREIGN.

UNITED STATES OF AMERICA.

FEDERAL LEGISLATION.[1]

Agriculture.—Planning of production in agriculture to make it accord with consumption and thus escape the incubus of surplus crops was endorsed by Congress in the most effective way. The class of basic commodities under the Agricultural Adjustment Act, to which the reduction programme was applied, was increased especially to include cattle, and interesting new developments in the planning programme were introduced in respect to cotton, certain kinds of tobacco and sugar. Public No. 142 considerably enlarges the class of basic agricultural commodities under the Agricultural Adjustment Act. The Bill had been originally drawn to include only cattle, but in the Senate amendments were adopted, and later agreed to in conference, including peanuts, rye, flax, barley and grain sorghums.

The Bankhead Cotton Control Act (Public No. 169) and the Kerr Tobacco Control Act (Public No. 483) represent new and far-reaching legislative efforts by the Federal Government to stabilize the cotton and tobacco growing and marketing industries by limiting production of these commodities to consumption, and thus eliminating the harmful economic effects of excessive surpluses. Both Acts are based on a desire of Congress to balance production and consumption, and show the purpose of Congress to exercise its interstate and foreign commerce and taxing power to effectuate this end. The Cotton Act does not apply to cotton having a staple one and one-half inches long or longer. The Tobacco Act applies to specified kinds of tobacco.

Both Acts are temporary by their terms and contingent upon the continued existence of economic emergency. While both Acts are expressly effective for the current crop year (1934–5), their production-limiting features apply during the succeeding crop year only if there is a finding that two-thirds of the producers, in the case of cotton, and three-fourths of the producers of any of the particular types of tobacco, in the case of tobacco, favour the levy of a tax on the commodity harvested during that year. In addition, under the cotton Act, the President must find the continued existence of the emergency to make such features applicable during such succeeding year (s. 2). Both Acts terminate the tax on commodities harvested after the President finds the emergency over and, in the case of the tobacco Act, after the end of the crop year when Agricultural Adjustment Act benefits cease. Neither Act applies to commodities harvested after the spring of 1936.

Both Acts enforce their limitations by the imposition of taxes. The cotton Act puts the tax upon the privilege of ginning. The rate is 50 per cent. of the central market price of lint cotton as proclaimed by the Secretary, but not less than five cents per pound (s. 4(a)). Relief is provided against the immediate burden of the tax by permitting postponement of tax in cases in which the cotton is to be stored on the farm (s. 4(f)). To prevent escape of ginning tax by the export of seed cotton, the export of cotton which, if ginned, would be subject to tax, is prohibited (s. 14(c)).

---

[1] Abridged from a summary by Charles F. Boots, John O'Brien, H. G. Wood and Eugene J. Ackerson in *The American Bar Association Journal*, vol. xxi, Nos. 1 and 2, and by J. P. Chamberlain in vol. xx, No. 8.

Both Acts provide for the collection of the taxes by the Treasury and apply the familiar methods of collection and refund. Because of the peculiar problems in the enforceability of such taxes, more elaborate penal and administrative provisions than is usual are found in the Acts.

In case both of cotton and tobacco, imports must be taken into consideration in preserving the balance between consumption and production for which the statutes are intended. Imports of cotton are not limited by special taxes but they must be identified.

Both Acts provide for the availability of the tax proceeds for administrative expenses and refunds. The cotton Act by its title indicates the purpose to raise revenue, which the tobacco Act does not, and, while the proceeds of both taxes are paid into the Treasury, the cotton Act expressly authorizes the appropriation of the proceeds of the tax therein for the purposes of the cotton programme of the Agricultural Adjustment Administration.

Responding to a message of the President requesting the inclusion of sugar beets and sugar cane as basic agricultural commodities under the Agricultural Adjustment Act, along with other provisions relating to those commodities designed to stabilize the sugar industry, the Congress enacted Public No. 213, popularly known as the Jones-Costigan Sugar Act, as an amendment to the Agricultural Adjustment Act. Primarily, as indicated, the Act includes sugar beets and sugar cane as basic agricultural commodities subject to the Agricultural Adjustment Act; but in addition provides, for those commodities, a broad programme of treatment which differs in many respects from that accorded to other basic agricultural commodities. The Act applies directly to processors and handlers of sugar, not to the planter or farmer, and forbids them to manufacture in excess of territorial quota allotted, or to import in excess of the quota allotted to an overseas possession of the United States, or to any foreign country. The Act is based on the commerce power, and the limitation is imposed to prevent "processors, handlers of sugar and others from marketing in or in the current of or in competition with, or so as to burden, obstruct or in any way affect, interstate or foreign commerce." The Secretary is charged with the duty of allotting quotas among processors, handlers of sugar and others.

To carry out the purpose of balancing production and consumption, the Secretary is directed to determine consumption requirements for each year and even during the year, and to increase the allotments if statistics show that the needs of consumers are greater than was at first estimated. If he increases the allotment, he must apportion the increase among the areas of the United States, overseas possessions and foreign countries, but 30 per cent. of the excess over 6,452,000 short tons must be allotted to continental United States.

In the Senate, an effort was made to give to Hawaii and Puerto Rico fixed quotas but it failed, although as a "compromise" the provisions relating to these dependencies were taken from the paragraph relating to foreign countries and placed in a separate paragraph. The treatment accorded them is substantially the same as in the case of foreign countries. The Act abounds with exceptions to and qualifications of the Agricultural Adjustment Act in the case of sugar beets and sugar cane. Among the most controversial provisions in the Bill were those providing that all agreements relating to sugar beets, sugar cane or the products thereof may contain provisions which will limit or regulate child labour, and will fix minimum wages for workers or growers ; and provisions authorizing the Secretary of Agriculture upon request to adjudicate any dispute and making his decision final. This requirement will apply to growers of beets and cane who make crop acreage reduction agreements with the Secretary of Agriculture.

An important addition to the Agricultural Adjustment Act, not limited to sugar beets and sugar cane, is the section providing heavy penalties for any person convicted of making any statement, written or oral, intended or calculated to lead any person to believe that any amount deducted from the market price of a commodity consists of tax, or that any charge for processing consists of tax, or that any part deducted from the gross sales price of a commodity in arriving at the basis of a settlement under any contract, or ascribing any particular part thereof to tax, knowing that such statement is false.

Tariff.—Public No. 316 responds to a request of the President that there be created machinery to permit prompt adjustment of commercial relations with foreign countries. To the ponderous method of securing adjustments by commercial treaties, requiring the approval of two-thirds of the Senate and legislative action afterwards to put into effect the American side of tariff bargains so negotiated, the statute adds a new method.

The statute represents the first major tariff enactment since the Hawley-Smoot Tariff Act of 1930. Briefly entitled "An Act to amend the Tariff Act of 1930," the Act in its preamble declares its purpose to be expansion of foreign markets as a means of assisting in the emergency and restoring the American standard of living, overcoming domestic unemployment, increasing the purchasing power and establishing and maintaining a better relationship among the various branches of agriculture, industry, mining and commerce. It grants to the President the power to enter into " foreign trade agreements with foreign governments and instrumentalities thereof " whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting foreign trade of the United States, and that the purpose declared in the preamble will be promoted thereby. The Act further gives to the President the power by proclamation to provide for carrying out any foreign trade agreement by making such modifications in the existing duties and other import restrictions, or to impose such additional restrictions, or to prescribe the continuance of existing customs or excise treatment of any article covered by foreign trade agreements. The power over the tariff is subject to two definite limitations : first, that there shall be no increase or decrease of more than 50 per cent. in any existing rate of duty ; second, that there be no transfer of any article from the dutiable to the free list, or vice versa. These are the limitations which the flexible provisions of the Tariff Act of 1930 imposed on the power of the President to raise or lower duties in order to equalize American and foreign costs of production.

The advantage given to a country in a foreign trade agreement will, under an express provision of the Act, be extended to similar goods brought in from any other country, so that in effect an agreement with one country giving a low rate or some other advantage to specified articles from that country will apply to the same articles coming from all countries. This provision is an application of the unconditional most-favoured-nation clause which is contained in treaties of commerce between the United States and other countries.

Agreements concluded pursuant to the Act are subject to termination upon due notice at the end of not more than three years from the date on which the agreement comes into force and if not then terminated are subject to termination thereafter upon not more than six months' notice; but the authority of the President to enter into agreements terminates three years from the date of enactment of the Act. It is significant, however, that foreign trade agreements entered into before such date will continue in force until terminated in the manner prescribed. In order to afford domestic interests an opportunity to voice their views before the President takes action through agreement and proclamation to reduce duties or put into effect other changes in the law which they might consider would affect them, the Senate added to the Bill s. 4, which provides:

> Before any foreign trade agreement is concluded with any foreign government or instrumentality thereof under the provisions of this Act, reasonable public notice of the intention to negotiate an agreement with such government or instrumentality shall be given in order that any interested person may have an opportunity to present his views to the President, or to such agency as the President may designate, under such rules and regulations as the President may prescribe; and before concluding such agreement the President shall seek information and advice with respect thereto from the United States Tariff Commission, the Departments of State, Agriculture, and Commerce, and from such other sources as he may deem appropriate.

Federal Farm Credit and Bankruptcy Laws.—The comprehensive programme of agricultural credit expansion which was undertaken during the first session of the Seventy-third Congress was supplemented in several important respects by Public No. 88, approved January 31, 1934.

The Act provides for the establishment of a corporation, to be known as the Federal Farm Mortgage Corporation, under the supervision of a board of directors.

The corporation is authorized, with the approval of the Secretary of the Treasury, to issue bonds in an aggregate amount not exceeding $2,000,000,000, which are secured by the assets of the corporation and fully and unconditionally guaranteed both as to principal and interest by the United States. These bonds are to have such maturities and interest rates, and are to be issued in such manner and sold at such prices as the corporation, with the approval of the Secretary of the Treasury, may prescribe. The corporation may exchange its bonds for consolidated farm loan bonds of equal face value issued by the Federal land banks and may exchange any such consolidated bonds which it holds for its own bonds. The corporation is further authorized to purchase such consolidated bonds for cash and to make loans to the Federal land banks on the security of such consolidated bonds. For this part of its operations the corporation does not deal directly with farmers, but relies on the machinery of the Federal land banks for the selection of risks and the administration of its mortgage investment. In addition to providing funds for the Federal land banks the corporation continues the policy of making loans through the Commissioner as established in the Emergency Farm Mortgage Act of 1933. These loans are made directly to farmers, and may be secured by a first or second mortgage on farm property, including crops. The maximum limit on such loans is increased from $5,000 to $7,500. A subsequent Act removed the limitation imposed by the Emergency Farm Mortgage Act, that direct loans to enable farmers to redeem or repurchase farm property owned by them prior to foreclosure should apply only to property foreclosed subsequent to July 1, 1931.[1]

Public No. 296 adds, as permanent law, sections 77A and 77B (Corporate Reorganizations) to Chapter VIII of the Bankruptcy Act. S. 77A confers jurisdiction on courts of bankruptcy in proceedings under s. 77B. Like other recent amendments (ss. 74, 75, 76 and 77)[2] s. 77B prescribes (1) a proceeding not involving an adjudication of " bankruptcy " or a discharge as a " bankrupt," using the designation " debtor " in place of " bankrupt," (2) insolvency or the inability of the debtor corporation to meet debts as they mature as the basis for initiating action instead of acts of bankruptcy in connexion with insolvency as defined in s. 1a (15) of the Bankruptcy Act, (3) an adjustment of rights of secured creditors and (4) a composition or an extension in lieu of a liquidation of the assets of the debtor. Like s. 77 (Railroad Reorganizations), s. 77B extends the " subject of bankruptcies " to affect directly parties other than the debtor and creditors, i.e., stockholders of the debtor corporation, and permits the compulsory adjustment of the interests of stockholders in relation to the corporation and between themselves.

Any corporation which can become a bankrupt under s. 4 of the Bankruptcy Act, any railroad or other transportation corporation (except one eligible under s. 77) and any corporation subsidiary to any such corporation, may apply for the benefits of s. 77B. A plan of reorganization involving either a composition or an extension must be proposed by the debtor or by a specified percentage of its creditors or stockholders. The plan shall affect the rights of creditors, may affect the rights of stockholders, shall protect stockholders and creditors in classes not accepting the plan and shall provide for the execution of the plan, which may include the disposition of the property of the debtor, the modification of liens and indentures, the amendment of charters, changes in dates of maturities, interest rates or other terms of securities or the issuance of securities. If less than a majority of stockholders of any class accept the plan, their equity must be protected either by a sale of the property " at not less than a fair upset price," or by an appraisal and payment in cash of the value of their stock or of the securities allocated to them under the plan, or by any other method which will do substantial justice. In case two-thirds of the creditors of any class do not accept the plan, their rights must be protected by a sale subject to their claims or by one of the methods prescribed for the protection of the non-consenting stockholders' equity. If the judge decides that the plan does not affect stockholders or creditors adversely, he is not required to take action under this provision. For instance, if the corporation is insolvent, the stockholders have no equity to protect. The petition may be filed either " with the court in whose territorial jurisdiction the corporation, during the preceding six months or the greater portion thereof, has had its principal place of business or its principal assets, or in any territorial jurisdiction in the State in which it was incorporated." That court, however, shall, on petition, transfer the proceedings " to the territorial jurisdiction where the interests of all the parties will be best subserved."

---

[1] *Journ. Comp. Leg.*, Third Series, vol. xvii, pt. iii, p. 187.

[2] *Ibid.*, vol. xvii, pt. iii, p. 181.

The court during the pendency of the proceedings is given exclusive jurisdiction of the debtor and its property wherever located, and is vested with all the powers which a Federal court would have in case of the appointment of a receiver in equity of the property of the debtor by reason of its inability to pay its debts as they mature. The judge, after hearing objections, shall confirm the plan if, in addition to technical requirements, he finds that it is " fair and equitable " and has been made and accepted in good faith. Upon confirmation, the plan and the order of confirmation are binding upon the debtor, all stockholders and all creditors. Upon consummation of the plan, the property dealt with therein becomes free and clear of all claims of the debtor, and its stockholders and creditors, except as provided in the plan itself. The final decree discharges the debtor from its debts and liabilities, and terminates all rights and interests of its stockholders, except as provided in the plan or reserved in the confirmation of the plan.

Public No. 486 adds subs. (s) to s. 75 (Agricultural Compositions and Extensions) of the Bankruptcy Act. The subsection tends to induce lien holders to accept the farmer's composition or extension proposal, for if they do not, it authorizes the farmer to amend his petition and ask to be adjudged a bankrupt. Thereupon appraisers are appointed to appraise his property " at the then fair and reasonable value, not necessarily the market value at the time of appraisal." The referee then shall set aside to the debtor his exemptions as prescribed by state law, subject to existing liens, but only to an amount equal to the appraised value of the exempt property. The remainder of his property, subject to the control of the court, continues in the ownership of the debtor subject to a general lien for creditors, which is inferior to prior liens or encumbrances. After his exemptions have been set aside, the remainder of the property may be sold to the debtor with the consent of the creditors, at the appraisal value with installment payments totalling 15 per cent. within five years and the balance within six years. During the first year the only payment is 1 per cent. of the appraised price, and the same low rate of interest is due on unpaid installments. The debtor must pay taxes. If the creditors do not consent to this settlement, the court, after setting aside the debtor's exemptions, shall stay all proceedings for five years, during which the debtor remains in possession of the property under the court's control, on payment of " a reasonable rental annually." At the end of the five years, the debtor may pay into court the appraised value of the property and the court must " turn over full possession and title of the property " to him, and he may apply for his discharge.

Criminal Statutes.—The 73rd Congress has taken very seriously the demand that has for some years been made of committees of Congress, that the Federal Government take a share in the suppression of common law crimes through the use of the power over interstate and foreign commerce. Congress has long used the commerce power to regulate transactions which were generally considered as contrary to the public welfare, as in the case of lotteries [1] and white slave traffic.[2] It has also prohibited

[1] *Champion* v. *Ames*, 188 U.S. 321 (1903).

[2] *Caminetti* v. *United States*, 242 U.S. 470 (1917).

the use of the channels of interstate commerce to send intoxicating liquor to a state in which its use was forbidden.[1] The use of the federal power was based on the theory that it was only by the use of both federal and state power that the evil complained of could be regulated in view of the ease of distribution through facilities of interstate commerce.

The entrance of Congress through the interstate commerce power into the campaign against the common law criminal is recent. The demand for it is based on the convenience and speed of the present means of transportation and of the organization in a business-like way of the traffic in goods feloniously acquired by groups of persons who are aided in their transactions by the existence of various state jurisdictions. The organized gang may feloniously get possession of goods in New York, send them to a neighbouring state for sale to a receiver of stolen goods, known as a fence, who may ship them on to a third state, perhaps on the other side of the Continent, where they will be sold at retail, and the transaction finally concluded. Modern police organizations are coping not alone with individual criminals but have to deal with the much more difficult problem of intelligently directed and organized companies of malefactors. Their production of stolen goods, however, is of little value unless they can be sure of a convenient market, and this the fence supplies with his means of receiving the goods, holding them for a convenient period, and then distributing them through other channels. A well-established system of fences is vital to organized theft, and it is considered by important groups of merchants that the existence of the fence in a state different from that in which the goods are taken is an aid to the continuance of the business of misappropriating other people's property, notably jewellery, furs and silks.

Congress made its original essay in putting the federal power behind the protection of property in the Dyer Act, which applied only to motor vehicles.[2] The Act was passed in 1919 and has had a favourable reception by the courts. The Act punishes the transportation in interstate or foreign commerce of motor vehicles by persons who knew they were stolen, and goes a step further, punishing anyone who receives, sells or disposes of any motor vehicle " moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing the same to have been stolen."

The 73rd Congress by Public No. 246 applied the principle of the Dyer Act to securities, moneys, goods, wares or merchandise, and made it a crime to transport or cause to be transported these articles in interstate commerce, or to receive, conceal, store, barter, sell or dispose of any of these articles " which, while moving in or constituting a part of interstate or foreign commerce, has been stolen or taken feloniously by fraud or with intent to steal or purloin, knowing the same to have been stolen or taken." Indicating that its action was intended against organized groups, and in order to prevent the federal courts being overloaded with minor cases, the Act applies only to articles of a value of $5,000 or over.

In sustaining the Dyer Act, the Supreme Court made it clear that there could be no objection to the new statute so far as it applies to the transportation or receiving of stolen goods. If this be so, it would seem to follow that the sale of such goods in an original package could be punished by act of the national legislature and thus the fence will be placed under the ban of the federal law. The federal government, it would seem, may go even further and follow the goods into the hands of a person who receives them after the goods have come to rest in a warehouse in the state of destination, the package has been broken and the stolen goods sold to him.

---

[1] *Clark Distilling Co.* v. *Western Maryland R. Co.*, 242 U.S. 311 (1917).

[2] U.S. Co., Title 18, § 408.

The strong feeling against kidnapping led the Congress, by Public No. 232, to stiffen the penalties imposed on kidnappers in interstate commerce under Public No. 189 of the preceding Congress. The new Act permits the penalty of death if the verdict of the jury shall so recommend and continues for other cases the penalty in the original Act of imprisonment for such term of years as the court in its discretion shall determine. Recognizing that the safety of the kidnapped person should not be overlooked, the Congress provides that " the sentence of death shall not be imposed by the court if, prior to its imposition, the kidnapped person has been liberated unharmed."

In another statute, Public No. 233, the Congress comes to the aid of the state prosecuting authorities by making it unlawful for any person to travel in interstate or foreign commerce with intent " to avoid prosecution for murder, kidnapping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing, under the laws of the place from which he flees." The Act takes into consideration also the trying problem of the unwilling witness and makes it a crime for a person to travel in interstate or foreign commerce " to avoid giving testimony in any criminal proceedings in such place in which the commission of a felony is charged."

The 72nd Congress had dealt with extortion by the mails and made it a crime to deposit a letter or other communication in the mails with the intent of extortion, by a threat of injury to the person, property or reputation of the addressee or another, or to the reputation of a deceased person, or by a threat to kidnap any person, or to demand ransom for the release of a kidnapped person, or to accuse any person of a crime. Making the same threats for purposes of extortion was made a crime by the 73rd Congress, Public No. 231, where the threat was transmitted in interstate commerce by any means whatever.

Congress took measures also to protect federal officers or agencies by criminal law. Public No. 235 brings under the federal criminal jurisdiction any person who takes from another, feloniously or by violence, any property of a member bank of the Federal Reserve System or of a bank established under the laws of the United States. The person convicted faces a sentence of a maximum of $5,000 or 20 years' imprisonment, but if in carrying out his enterprise he commits an assault with a dangerous weapon, the mercy of the court is not given such wide scope, for it must fine him at least $1,000 and may fine him up to $10,000, or may sentence him to a minimum of 5 or a maximum of 25 years in the penitentiary, or both such fine and imprisonment. A further inducement to mercy on the part of the bank robber is the requirement that if a person is killed in the course of the robbery, or if a person is forced to accompany the evildoers without his consent, the law sternly imposes a prison sentence of not less than 10 years or, even, if the jury so directs, the ultimate penalty of death. The Act provides that jurisdiction over offences defined " shall not be reserved exclusively to courts of the United States." The states have severe laws against bank robbery, so that it would appear that this statute brings into being a new case in which a person for the same act may be convicted by either the state or the federal jurisdiction, or in view of the decision in the prohibition cases, perhaps by both.

The passage of the crime bills will mean a great increase in the federal force engaged in the detection and apprehension of criminals. It will also extend materially the duties of the federal prosecuting officers and the criminal side of the district courts. This increase may in time be offset by the lessening of federal crime through the repeal of the 18th Amendment, but the relief from this source may not come immediately if the war is to be pushed on the illicit producers and dealers who show disregard for the revenue laws of the United States.

INDEX TO REVIEW OF LEGISLATION.

(* Denotes Consolidation Act.)

Aboriginals,
  protection (Queensland), 80
Accident Insurance. *See* Insurance.
Accidents. *See* Fatal Accidents, Motor Vehicles.
Actions. *See* Administration of Estates, Hospitals, Public Service.
Actio personalis moritur cum persona,
  (British Columbia), 49
  (Northern Ireland), 24
  (United Kingdom), 3
Administration,
  protectorate (Sierra Leone), 165
  Seat of Government (Commonwealth of Australia), 74
  special districts (Kenya), 166
Administration of Estates. *See also* Estate Duties, Succession, Trusts and Trustees, Wills.
  actions for tort (British Columbia), 49
  devolution of estates (New Brunswick), 54
  probates re-sealing (Gibraltar), 181
  surrogate courts (Manitoba), 51
  (Western Australia), 100
Administration of Justice. *See* Criminal Law, Criminal Procedure, Evidence, Judicature, Judgments, Juries, Magistrates, Summary Jurisdiction.
Adoption of Children. *See also* Workmen's Compensation.
  (Gibraltar), 185
  (Quebec), 65
Adulteration of Produce. *See* Produce.
Advertisements. *See also* Venereal Disease.
  control on buildings (Malta), 187
  signs control (Gibraltar), 185
Advocates. *See* Legal Practitioners.
Aged Soldiers and Sailors Relief Fund, (Western Australia), 108
Agricultural Bank,
  (Queensland), 78
Agricultural Bank—*continued*
  rural bank (New South Wales), 78
  (Union of South Africa), 127
  (Western Australia), 106
Agricultural Debts,
  adjustment of farmers' (Western Australia*), 107
  (Alberta), 45
  (Punjab), 149
  (United Provinces), 149
Agricultural Limestone. *See* Limestone.
Agricultural Loans. *See also* Agricultural Bank.
  credits (Alberta), 45
  credit societies (St. Vincent), 179
  cultivation advances (Victoria), 92
  farm credits (Prince Edward Island), 57
  farm loans (Quebec), 61
  farm mortgage corporation (United States of America), 193
  (Queensland), 78
  seed grain advances (Alberta), 46
Agriculture. *See also* Agricultural Debts, Agricultural Loans, Co-operative Societies, Cotton, Essential Oils, Farmers' Relief, Fertilizers, Fruit, Industry Regulation, Limestone, Mortgages, Marketing, Pests, Produce, Rubber, Sugar, Tea, Tobacco, Wheat.
  basic commodities (United States of America), 190
  board (British Guiana), 174
  cereals encouragement (Irish Free State), 29
  executive commission (New Zealand), 112
  marketing schemes (Northern Ireland), 21
Air Force. *See* Military Forces.
Air Navigation,
  air base (Bermuda), 70
  airport (Jersey), 20

Air Navigation—*continued*
  carriage by air convention (India), 145
  commercial services licensing (New Zealand), 112
  convention (India), 145
  (Federated Malay States), 158
  (Southern Rhodesia), 140
Air Transport. *See* Air Navigation.
Aliens. *See also* Nationality, Repatriation.
  registration (Hong Kong), 155
  traders (Gibraltar), 183
Alimony. *See* Matrimonial Causes.
Alsatian Dogs. *See* Dogs.
Anatomy,
  (Union of South Africa), 119
Angola Marriages. *See* Marriage.
Animals. *See also* Dogs, Game, Livestock, Pounds, Rabies.
  cruelty prevention (Bermuda), 70
    (Gambia), 161
    (Tonga), 118
  protection (Bahamas), 175
    (Gibraltar), 182
    (United Kingdom), 6
  running at large (Alberta), 47
Antiquities,
  preservation (Kenya), 167
    (Uganda), 170
    (Union of South Africa), 120
Appeals. *See* Criminal Procedure, Judicature.
Apprenticeship,
  (Queensland), 84
Arbitration,
  foreign awards (Palestine), 187
  (Gibraltar), 183
  protocol (Palestine), 187
  (United Kingdom), 4
Archæology. *See* Antiquities.
Architects,
  registration (United Kingdom), 16
Arms and Ammunition. *See also* Criminal Law.
  firearms (Cyprus), 186
    (New Zealand), 109
    (Palestine), 187
    (United Kingdom), 5
  (North West Frontier), 151
  sale to natives (New Hebrides), 119
Army. *See* Military Forces.
Assessment. *See* Local Government.
Attachment,
  money and securities (Bahamas), 175
  preventive (Newfoundland), 68
Auctions and Auctioneers,
  dues (Orange Free State), 136
Auctions and Auctioneers—*continued*
  licensing (New South Wales), 75
Automobiles. *See* Insurance, Motor Vehicles.

Bacteriologist and Pathologist. *See* Public Service.
Bait Fishes. *See* Fisheries.
Bananas. *See* Fruit.
Bankruptcy,
  agricultural compositions (United States of America), 195
  farmers' debts (Canada), 32
  farmer mortgagors (New Zealand), 115
  (Gibraltar), 182
  landlord's rights (Prince Edward Island), 58
  non-traders (St. Lucia), 178
  (Quebec), 61
  (United States of America), 194
Banks and Banking. *See also* Agricultural Bank, Bills of Exchange, Currency, Savings Banks.
  Bank of Canada (Canada), 34
  (Canada), 33
  debentures (Ceylon), 152
  imperial bank (India), 142
  land mortgage banks (Madras), 147
  reserve bank (India), 141
    (New Zealand), 109
Beef,
  export bounty (Southern Rhodesia), 139
Beer. *See* Excise, Liquor.
Betting,
  control (Bahamas), 176
  legalization (South Australia), 87
  racecourse (Canada), 41
  stamp duty (Victoria), 93
  (Straits Settlements), 157
  taxation (Cape of Good Hope), 131, 132
  totalizators (Malta), 186
    (South Australia), 87
    (Victoria), 92
  track (United Kingdom), 7
Bicycles and Tricycles,
  lighting (Quebec), 60
Bills of Entry. *See* Taxation.
Bills of Exchange,
  (Bermuda*), 70
  (Federated Malay States), 159
  legal holidays (Canada), 39
  (Trinidad and Tobago), 179
Bills of Sale,
  (South Australia), 87

Birds,
  protection (Bahamas), 175
    (Cyprus*), 185
    (Gibraltar), 182
    (Union of South Africa), 121
  protection of eggs (Seychelles), 161
Births Registration. *See* Vital Statistics.
Boilers (Mauritius*), 160
Bookmakers. *See* Betting.
Books Registration. *See* Newspapers.
Boundaries,
  provincial (Union of South Africa), 124
Bounties. *See* Beef, Cotton, Wheat, Wine.
Brands,
  registration (Tonga), 118
Bread,
  sale and manufacture (Alberta), 43
  trade (Victoria), 96
Broadcasting. *See* Wireless Telegraphy.
Buildings. *See* Advertisements, Public Health.
Building Societies,
  (Union of South Africa), 129
Bulk Sales,
  (Bermuda), 70
Business Licences. *See* Licences.
Business Names,
  registration (New South Wales), 76
Butter. *See* Dairy Industry.

Capital Punishment,
  expectant mothers (Barbados), 176
    (Gibraltar), 185
    (Hong Kong), 156
    (Malta), 187
    (Nyasaland), 168
    (St. Lucia), 178
Carriage by Air. *See* Air Navigation.
Carriage of Goods by Motor. *See* Transport.
Cathedrals. *See* Church Assembly Measures.
Cattle. *See* Livestock.
Cemeteries,
  (Cape of Good Hope), 130
Censorship. *See* Cinematographs.
Cereals. *See* Agriculture.
Chain Stores,
  taxation (New Brunswick), 56
Charitable Bequests. *See* Wills.
Charitable Collections,
  (New South Wales), 76
Chattels. *See* Conditional Sales.
Cheese. *See* Dairy Industry.
Chemists. *See* Pharmacy.
Cheques. *See* Negotiable Instruments.
Children. *See also* Adoption, Criminal Procedure, Industrial Employment.
  guardianship (New South Wales), 76
  nursing and maintenance (Irish Free State), 29
Chiropractors,
  (British Columbia), 48
Church Assembly Measures,
  banns of marriage (United Kingdom), 17
  cathedrals (United Kingdom), 17
  clergy pensions (Jersey), 20
  clerical disabilities (United Kingdom), 17
Church Lands,
  alienation (Jersey), 19
Cinematographs,
  censorship (Cyprus), 186
    (Union of South Africa), 120
  film renting contracts (New Zealand), 113
  (Gibraltar), 183
  regulation and control (Cyprus), 186
Circulars. *See* Public Meetings.
Civil Procedure. *See* Judicature.
Civil Service. *See* Public Service.
Civil Wrongs. *See* Libel.
Clergy. *See* Church Assembly Measures.
Cloves,
  exporters (Zanzibar), 171
  growers association (Zanzibar), 171
Clubs,
  registration (Trinidad and Tobago), 179
Coal Mines. *See also* Workmen's Compensation.
  illegal mining (Nova Scotia), 56
  wages security (Alberta), 44
  welfare fund (United Kingdom), 13
Cocoa. *See* Industry Regulation.
Coconuts. *See* Industry Regulation.
Coffee,
  industry control (Kenya*), 167
Coinage. *See* Currency.
Collective Labour Agreements. *See* Labour.
Collisions at Sea. *See* Merchant Shipping.
Colonial Stock. *See* Public Finance.
Commercial Travellers,
  (Quebec), 62

Commissions. *See* Royal Commissions.
Common Law. See *Actio personalis moritur cum persona*, Judicature.
Companies. *See also* Co-operative Societies, Insurance, Telegraph, Telephone.
  bondholders' incorporation (New Zealand), 113
  investigation (New Zealand), 110
    (Victoria), 91
  licences (Gibraltar), 183
  loans (Alberta), 47
  receiver and manager (New South Wales), 76
  regulation (Canada), 39
  (South Australia*), 85
  tax on capital (Uganda), 170
Conditional Sales,
  chattels (British Columbia), 48
    (Prince Edward Island), 57
    (Saskatchewan), 67
Constitution. *See also* Administration, Elections, Public Service.
  legislative council (Northern Rhodesia), 138
    (Trinidad and Tobago), 180
  ministers of state (British Columbia), 49
  ministers' salaries (New Zealand), 109
  Newfoundland (United Kingdom), 2
  provincial powers (Union of South Africa), 124
  royal executive functions (Union of South Africa), 130
  seals (Union of South Africa), 130
  secession (Western Australia), 100
  special powers (British Columbia), 50
  status of the Union (Union of South Africa), 129
Contracts. *See* Labour, Local Authorities, Local Government.
Convicted Aliens. *See* Repatriation.
Co-operative Societies,
  agricultural (Irish Free State), 29
  agricultural credit (St. Vincent), 179
  primary producers (Queensland), 79
Coroners,
  (Gibraltar), 182
  inquests (Tanganyika), 169
  juries (British Columbia), 49
Cotton,
  bounty on raw (Commonwealth of Australia), 71
  duty (Bombay), 147
  industry control (Nyasaland), 168
  manufacturing industry (United Kingdom), 8
  replacement (Grenada), 178
  stabilization (United States of America), 190
County Court. *See* Judicature.
Courts. *See* Judicature.
Crawfish,
  export control (Union of South Africa), 126
Cream. *See* Dairy Industry.
Creditors. *See* Bankruptcy, Debts.
Cremation,
  (Tasmania), 88
Criminal Law. *See also* Libel.
  bank robbery (United States of America), 197
  code (Zanzibar), 172
  dangerous weapons (Canada), 39
  extortion (United States of America), 197
  incitement to disaffection (United Kingdom), 5
  indecent assault (New Hebrides), 118
  infanticide (Barbados), 176
    (Gibraltar), 184
    (Hong Kong), 156
    (Nyasaland), 168
  interstate travelling on criminal intent (United States of America), 197
  kidnapping (United States of America), 197
  lotteries (Canada), 39
  (Nyasaland), 168
  offences against the person (Gibraltar), 184
  protection of property (United States of America), 196
  revolutionary activity (Assam), 150
  sedition (Gold Coast), 162
  terrorism (Bengal), 148
    (India), 145
  (United Kingdom), 5
  (United States of America), 195
  unlawful possession (Jamaica), 177
  violent crimes (Bermuda), 71
  women and girls protection (British Solomon Islands), 118
    (Hong Kong), 156
    (Papua), 108

Criminal Procedure. *See also* Capital Punishment, Finger Prints, Reformatories.
  Assam appeals (India), 146
  code (Zanzibar), 172
  criminal lunatics (Gibraltar), 185
  (Gibraltar *), 184
  institution of proceedings (Palestine), 188
  juvenile offenders (Gibraltar), 184
    (Kenya), 166
    (Seychelles), 161
  (Nyasaland), 168
  official language (Malta), 187
  probation (Mauritius*), 159
Crown Lands. *See* Land.
Currency,
  coinage (Fiji), 116
  gold export (Newfoundland), 69
  interpretation (Trinidad and Tobago), 180
  legal tender (Northern Rhodesia), 138
  (Mauritius), 159
  note guarantee fund (Bahamas), 175
  notes (Canada), 39
    (Gibraltar), 182
    (Trinidad and Tobago), 181
Customs. *See also* Exports, Imports, Industry Protection, Textiles.
  additional duties (Gold Coast), 162
    (Nigeria), 163
  " British Empire " definition (Barbados), 176
  (Canada), 39
  Canadian preference (Commonwealth of Australia), 72
  certificates of origin (Tonga), 118
  (Commonwealth of Australia), 72
  drawback (India), 143
  duties (Bahamas), 175
    (Canada), 39
    (Commonwealth of Australia), 73
    (India*), 143
    (Irish Free State), 30
    (Newfoundland), 69
    (New Zealand), 110
    (Sierra Leone), 165
    (United Kingdom), 7
    (United States of America), 192
  exchange adjustment (Commonwealth of Australia), 72
  foreign dyestuffs (Trinidad and Tobago), 181
  imperial preference (Gambia), 162
    (Gilbert and Ellice Islands), 117
Customs—*continued*
    (Mauritius), 160
    (Sierra Leone), 165
  Isle of Man (United Kingdom), 7
  New Zealand preference (Commonwealth of Australia), 72
  (North Borneo), 160
  Papua and New Guinea preference (Commonwealth of Australia), 72
  primage duties (Commonwealth of Australia), 72
  smuggling (Canada), 39
    (United Kingdom), 7
  special duties (Gambia), 162
  supervision (Newfoundland), 69
  trade agreements (United States of America), 192
  value for duty (Canada), 39

Dairy Cattle. *See* Livestock.
Dairy Industry. *See also* Marketing.
  butter and cheese (South Australia), 85
  commission (Quebec), 61
  control (Alberta), 44
  margarine (South Australia), 86
    (Victoria), 96
  milk (United Kingdom), 12
  milk and cream producers' protection (Nova Scotia), 56
  milk and milk products (Northern Ireland), 20
  milk board (Victoria), 96
  milk control (Saskatchewan), 66
  produce control (Queensland), 79
  products marketing (New Zealand), 112
    (Western Australia), 102
Dangerous Drugs. *See also* Pharmacy.
  convention (Nyasaland), 168
    (South Australia), 87
  (Gibraltar*), 183
  import and sale (Mauritius), 160
  regulation and control (Irish Free State), 30
  (Uganda*), 170
Death Duties,
  (Newfoundland), 69
Debtors. *See* Debts.
Debts. *See also* Agricultural Debts, Judgment Debts.
  adjustment (Alberta), 45
    (Manitoba), 52
    (Western Australia*), 107
  collection of foreign (United Kingdom), 8

Debts—*continued*
  creditors' rights (Alberta), 46
  debtors' relief (Newfoundland), 68
  landowners (United Provinces), 149
  land sales (United Provinces), 149
  summary recovery of government (Zanzibar), 173
Defamation of Princes, (Palestine), 187
Defence Force. *See* Military Forces.
Delegated Legislation. *See* Legislation.
Dentists,
  registration (New South Wales), 76
    (Seychelles), 161
Deserted Wives and Children. *See* Maintenance.
Designs. *See* Patents and Designs.
Devadasis (Bombay), 148
Development. *See* Surveys.
Devolution of Estates. *See* Administration of Estates.
Diamonds,
  industry protection (Kenya), 166
Dindings,
  agreement approval (United Kingdom), 2
Diplomatic Immunities,
  (Union of South Africa), 121
Disaffection, incitement to. *See* Criminal Law.
Distillation. *See also* Wine.
  spirits and spirit compounds (Trinidad and Tobago), 179
Distress. *See* Landlord and Tenant.
District Courts. *See* Judicature.
Divorce. *See* Matrimonial Causes, Mohamedan Law.
Dog Racing,
  totalizators (Malta), 186
Dogs. *See also* Rabies.
  Alsatian (New South Wales), 77
    (South Australia), 86
  prevention of cruelty (Northern Ireland), 23
  prevention of cruelty, Scotland (United Kingdom), 6
  registration (Bermuda), 71
  taxation (New Hebrides), 118
Domestic Relations. *See* Matrimonial Causes, Maintenance.
Dried Fruits. *See* Fruit.
Dyestuffs. *See* Customs, Import.

Earthquake,
  relief and reconstruction (Bihar and Orissa), 150
Ecclesiastical Law. *See also* Church Assembly Measures.
  Roman Catholic Mission (Seychelles), 161
Economic Council. *See* Industrial and Economic Research.
Education. *See also* Pensions.
  boarding houses (Cape of Good Hope), 131
  board's powers (Alberta), 48
  capitation grants (Cape of Good Hope), 130
  district boards (Kenya), 166
  land acquisition (Quebec), 62
  language in schools (Transvaal), 136
  (Mauritius*), 159
  public schools (Manitoba), 53
  rates (Cape of Good Hope), 130, 133
  school attendance (Manitoba), 53
  school corporation creditors' agreement (Quebec), 61
  schools (Quebec), 62
  school taxes (Prince Edward Island), 59
  teachers (Cape of Good Hope), 131
Eggs. *See* Birds.
Elections,
  (Commonwealth of Australia), 73
  legislative council (Northern Rhodesia), 138
    (Trinidad and Tobago), 180
  local government (Cyprus), 186
    (Gibraltar), 185
    (Northern Ireland), 28
  natives of India (Western Australia), 107
  parliamentary (New Zealand), 111
    (Northern Ireland), 28
  (Victoria), 96
Electricity,
  electricians' licence (Manitoba), 53
  inquiry board (Queensland), 81
  rates (Quebec), 59
  recovery of penalties (Bahamas), 175
  state commission (Victoria), 90
Emigration,
  East Indians (Fiji), 117
Employment. *See* Factories, Industrial Employment, Labour, Merchant Shipping, Shops.
Entertainments. *See also* Cinematographs, Taxation.
  (Gibraltar), 183
Essential Oils,
  destruction of inferior plants (Seychelles), 161
  export (Seychelles), 161

Estate Duties,
  (British Guiana), 174
  (Gibraltar), 182
  (Western Australia), 100
Evidence,
  British and foreign documents (Nigeria), 163
  foreign witnesses (Cyprus), 186
  statistics (Commonwealth of Australia), 73
Excise. *See also* Liquor Control.
  (Canada*), 40
  duties (Commonwealth of Australia), 73
    (India), 142, 143
  matches (India), 143
  mechanical lighters (India), 143
  (North Borneo), 160
  offences (Central Provinces), 150
  payment by cheque (United Kingdom), 7
  securities enforcement (Commonwealth of Australia), 73
  sugar (British Guiana), 174
    (India), 143
Export. *See also* Beef, Cloves, Crawfish, Essential Oils, Fish, Foodstuffs, Fruit, Rice, Rubber, Sisal, Sugar, Timber, Wine.
  agricultural produce (Zanzibar), 171
  bananas (St. Lucia), 178
    (St. Vincent), 179
    (Trinidad and Tobago), 179
  guarantees (United Kingdom), 8
Extortion. *See* Criminal Law.

Factories,
  employment (Quebec), 63
  (India*), 144
  (Victoria), 95
Farm Credits. *See* Agricultural Loans.
Farm Loans. *See* Agricultural Loans.
Farm Mortgage Corporation. *See* Agricultural Loans.
Farmers' Debts. *See* Agricultural Debts, Bankruptcy.
Farmers' Relief,
  (New South Wales), 76
Farms. *See* Released Prisoners.
Fatal Accidents,
  (United Kingdom), 4
Feed Grain and Fodder,
  advances (Alberta), 46
Fencing,
  (Union of South Africa), 122

Fertilizers,
  sale regulation (New South Wales), 76
  subsidy (Commonwealth of Australia), 73
Finance. *See* Public Finance.
Finger Prints,
  (Seychelles), 161
Firearms. *See* Arms and Ammunition, Criminal Law.
Fires,
  brigades (Cape of Good Hope), 133
  forest (Prince Edward Island), 59
Fisheries. *See also* Crawfish.
  bait fishes (Newfoundland), 68
  herring export (Newfoundland), 68, 69
  illegal trawling, Scotland (United Kingdom), 13
  (Northern Ireland), 22
  tidal waters (Irish Free State), 30
  visitors' permits (Bahamas), 175
Flour,
  acquisition (New South Wales), 76
  tax (Commonwealth of Australia), 75
Foodstuffs,
  export regulation (British Guiana), 174
  prices regulation (British Guiana), 173
Forced Labour,
  convention (Gambia), 161
Forestry. *See also* Fires.
  operations commission (Quebec), 60
Friendly Societies,
  (Victoria), 92
Fruit. *See also* Industry Regulation.
  banana industry assistance (Jamaica), 176
  bananas (St. Lucia), 178
    (St. Vincent), 179
    (Trinidad and Tobago), 179
  board (Tasmania), 88
  dried (South Australia *), 86
    (Western Australia), 100
  export (St. Lucia), 178
    (Sierra Leone), 165
  grading (South Australia), 86
  growers' assistance (Commonwealth of Australia), 73
  mandarin growers' relief (Commonwealth of Australia), 71
  marketing (Queensland), 79
  orchard tax (New Zealand), 114
Fuel Oil. *See* Taxation.
Fur Farming,
  (Prince Edward Island), 57

Game. *See also* Birds.
  (Alberta), 47
  (Cyprus*), 185
  pursuit by motor vehicle (Cape of Good Hope), 132
  shooting by artificial light (Cape of Good Hope), 130
Gaming. *See also* Betting, Lotteries.
  prohibition (New Hebrides), 119
  sweepstake ticket tax (Trinidad and Tobago), 181
Gas,
  undertakings (United Kingdom), 14
Gasolene. *See* Motor Spirit.
Gold. *See* Currency, Taxation.
Gold Clause,
  construction (New South Wales), 76
Gold Mines,
  premium tax (Southern Rhodesia), 139
  profits tax (Western Australia), 100
  (Union of South Africa), 123
Grain,
  elevators (Victoria), 93
Grain Dealers. *See* Sale of Goods.
Grasshoppers. *See* Pests.
Ground Rent. *See* Landlord and Tenant.
Guardianship. *See also* Children.
  court of wards (Bombay), 147

Harbours. *See also* Light Dues.
  boards (Newfoundland), 69
  rates regulation (Irish Free State), 31
Helm Orders. *See* Safety at Sea.
Herring Export. *See* Fisheries.
Highways. *See also* Motor Vehicles, Transport.
  cyclists (United Kingdom), 16
  main roads (Queensland), 80
  pedestrians (Northern Ireland), 24
    (United Kingdom), 16
  traffic regulation (Alberta), 48
    (New Hebrides), 119
    (Northern Ireland), 23
    (Trinidad and Tobago), 181
    (United Kingdom), 15
Hire Purchase,
  agreements (Queensland), 82
Homesteads. *See* Land.
Honey. *See* Industry Regulation.
Horseracing. *See* Betting.
Horse Breeding,
  stallions licensing (Irish Free State), 31
Horse Breeding—*continued*
  stallions registration (Queensland), 79
Hospitals. *See also* Maternity Homes, Nursing Homes.
  equipment (Cape of Good Hope), 132
  negligence actions (British Columbia), 49
  public (New South Wales), 77
  recovery of costs (Manitoba), 53
  salaries (Cape of Good Hope), 131
Hours of Work,
  forty-eight hour week (British Columbia*), 49
  shops (New South Wales), 76
    (Orange Free State), 135
    (United Kingdom), 9
  (Victoria), 95
Housing. *See also* War Service Homes.
  slum clearance (Union of South Africa), 126
  state advances (Queensland), 80
  unemployed workers (New South Wales), 76
  workmen's dwellings (Jersey), 19
Hurricane Relief,
  (Jamaica), 176, 177
Husband and Wife. *See* Matrimonial Causes.
Hut Tax. *See* Taxation.
Hydrocarbon Oil. *See* Oil.

Immigration,
  (Bahamas), 175
  (Hong Kong), 155
  undesirables (New Hebrides), 119
Immoral Traffic. *See* Criminal Law.
Imperial Preference. *See* Customs, Ottawa Agreements.
Imports. *See also* Customs, Salt, Textiles.
  control (Irish Free State), 29
  duties (India), 142
    (New Hebrides), 119
  dyestuffs (United Kingdom), 9
  restrictions (United Kingdom), 8
Incitement to Disaffection. *See* Criminal Law.
Income Tax,
  (Alberta), 46
  (British Columbia), 51
  (Cape of Good Hope), 131, 132
  (Commonwealth of Australia), 74
  (India), 142
  (Irish Free State), 30
  (New South Wales), 77, 78

Income Tax—*continued*
  (Northern Rhodesia), 138
  (Southern Rhodesia), 139
  (Victoria), 92
Indian States Protection,
  (India), 145
Industrial Alcohol,
  licences (Irish Free State), 31
Industrial Arbitration and Conciliation,
  (Commonwealth of Australia), 74
  (Queensland), 83
  (Southern Rhodesia), 139
  trade disputes (Bombay), 148
    (India), 145
Industrial and Commercial Establishments. *See* Factories and Shops.
Industrial and Economic Research,
  economic council (British Columbia), 49
Industrial Employment,
  labour conventions (Grenada), 177
    (Jamaica), 176, 177
    (Mauritius), 160
    (St. Lucia), 178
    (Sierra Leone), 164
  (Quebec), 63
  women and children (Central Provinces), 151
  women's night work (Mauritius), 159
Industrial Property. *See* Patents and Designs.
Industrial Protection. *See* Industry.
Industry. *See also* Coffee, Cotton, Dairy Industry, Diamonds, Livestock, Marketing, Meat, Pigs, Sisal, Steel, Tea, Tobacco, Whaling.
  assistance (Western Australia), 100
  safeguarding (India), 142
Industry, Department of. *See* Public Service.
Industry Regulation,
  cocoa (Gold Coast), 162
  coconuts (Gold Coast), 162
  fruit (Canada), 40
    (Gold Coast), 162
  honey (Canada), 40
  pineapples (Straits Settlements), 158
Infanticide. *See* Criminal Law.
Inquests. *See* Coroners.
Insects. *See* Pests.
Instalment Sales. *See* Hire Purchase.
Insurance. *See also* Unemployment.
  automobile (New Brunswick), 54
Insurance—*continued*
  companies (Canada), 40
  life (Queensland), 78
  (Manitoba), 53
  (Prince Edward Island), 58
Interest. *See* Judgment Debts.
International Conventions. *See* Arbitration, Dangerous Drugs, Forced Labour, Industrial Employment, Merchant Shipping, Minimum Wage, Motor Vehicles, Safety at Sea, Whaling.
Interpretation of Statutes,
  administrator (Cape of Good Hope), 131
  (Bahamas), 175
  currency (Trinidad and Tobago), 180
  (Grenada), 177
  native (Kenya), 167
  persona designata (Nova Scotia), 56
  public holidays (Manitoba), 53
Invalid Statutes. *See* Taxation.
Irrigation,
  areas (Straits Settlements), 158
  repairs to tanks (Madras), 147
  schemes (Union of South Africa), 123

Jointed Cactus Eradication,
  (Union of South Africa), 126
Judges. *See* Judicature.
Judgment Debts,
  interest (United Kingdom), 4
  (Newfoundland), 69
Judgments,
  reciprocal enforcement (New Zealand), 110
    (Saskatchewan), 67
Judicature. See also *Actio personalis moritur cum persona*, Attachment, Guardianship, Judgment Debts, Pensions.
  appeals (Fiji), 117
    (United Kingdom), 3
  assistant court of appeal (Barbados), 176
  civil procedure (Cyprus), 186
    (Straits Settlements), 156
  common law (United Kingdom), 3
  county courts (Manitoba), 51
    (United Kingdom*), 4
  court of appeal (Jamaica), 176
  courts (Cyprus), 186
    (Straits Settlements), 156
    (Zanzibar), 172

Judicature—*continued*
- courts jurisdiction (Zanzibar), 172
- district courts (Saskatchewan), 67
- judges (Union of South Africa), 123
- justices of the peace courts (Seychelles), 161
- King's Bench (Saskatchewan), 66
- law reform (United Kingdom), 3
- official language (Malta), 187
- Orange Free State (Union of South Africa), 121
- preventive attachment (Newfoundland), 68
- Surrogate courts (Manitoba), 68

Jurors and Juries. *See also* Coroners.
- (Gibraltar), 182
- (Queensland), 82

Justices of the Peace. *See* Judicature.

Juvenile Offenders. *See* Criminal Procedure.

Kidnapping. *See* Criminal Law.

King's Bench. *See* Judicature.

Labour. *See also* Forced Labour, Industrial Arbitration, Industrial Employment, Minimum Wage, Unemployment, Workmen's Compensation.
- code (Sierra Leone), 168
- collective agreements (Quebec), 64
- contracts (Mauritius), 159
- conventions (Mauritius), 159
  - (Sierra Leone), 167

Land. *See also* Church Lands, Leases, Property, Quitrent.
- alienation (Zanzibar), 170
- crown (Manitoba), 51
  - (Newfoundland), 68
- crown dues (Queensland), 83
- estates land (Madras), 147
- forest grazing leases (Queensland), 82
- grazing leases (Victoria), 94
- homesteads (British Columbia), 49
- leases (Queensland), 82
- native trust (Kenya), 166
- prickly pear leases (New South Wales), 77
  - (Queensland), 82
- (Queensland), 82
- real property (Manitoba), 52
- sale for debt (United Provinces), 149
- sale for taxes (Quebec), 65
- small holdings (Orange Free State), 135

Land Acquisition,
- (Grenada), 177
- (Northern Ireland), 27

Land Bank. *See* Agricultural Bank.

Land Mortgage Bank. *See* Banks and Banking.

Land Settlement,
- returned soldiers (Queensland), 78
  - (Tasmania), 88
  - (Victoria), 93
  - (Western Australia), 100
- (Union of South Africa), 127

Land Tax,
- (Bahamas), 175
- (Cape of Good Hope), 134
- (Commonwealth of Australia), 75
- (South Australia), 87
- (United Kingdom), 7
- (Victoria), 93

Land Titles,
- registration (Gibraltar), 185

Landlord and Tenant. *See also* Bankruptcy.
- (Bihar and Orissa), 150
- distress (Prince Edward Island), 57
  - (Queensland), 81
- ejectment (Palestine), 188
- ground rent (Zanzibar), 172
- rent restriction (New Zealand), 112
  - (Palestine), 188
- tenants' relief (Western Australia), 100
- visiting of leased premises (Quebec), 66

Languages. *See* Criminal Procedure, Education, Judicature.

Law Reform. *See* Judicature.

Law Society,
- stamp duties (Northern Ireland), 28

Leases. *See also* Land.
- renewal (Tonga), 118

Legal Practitioners. *See also* Notaries Public.
- admission (Union of South Africa), 122
- advocates (Straits Settlements), 156
- benchers (British Columbia), 49
- (North West Frontier), 151
- notaries (Ceylon), 154
- solicitors (Straits Settlements), 156
  - (United Kingdom), 16

Legislative Council. *See* Constitution, Elections.

Legislation,
- delegated (United Kingdom), 18
- local acts (United Kingdom), 17

Legitimation,
  (Straits Settlements), 158
Libel,
  actions against newspapers (Cyprus), 186
  race or creed (Manitoba), 53
Licensing. *See also* Horsebreeding, Industrial Alcohol, Liquor Control, Motor Vehicles.
  aircraft services (New Zealand), 112
  alien traders (Gibraltar), 183
  auctioneers (New South Wales), 75
  business (Jamaica*), 177
  control (Orange Free State), 136
  electricians (Manitoba), 53
  entertainments (Gibraltar), 183
  gasolene (Nova Scotia), 55
  (Kenya), 167
  payment by cheque (Trinidad and Tobago), 181
  sago cutting (Papua), 108
  tobacco growing (Irish Free State), 31
  trades (Gibraltar), 183
    (Northern Rhodesia), 138
Liens. *See* Mechanics' Liens, Threshers' Liens.
Lieutenant-Governor,
  special powers (British Columbia), 50
Life Insurance. *See* Insurance.
Light Dues,
  Bahamas and Leeward Islands (Ceylon), 152
    (Hong Kong), 155
    (Trinidad and Tobago), 179
  colonial (Commonwealth of Australia), 74
Lighting of Vehicles. *See* Bicycles, Motor Vehicles.
Lime,
  agricultural (Victoria), 94
Limitation,
  (Kenya), 166
Liquor Control. *See also* Excise, Wine.
  government (Alberta), 44
  licences (Cape of Good Hope), 132
    (Manitoba), 53
    (New Hebrides), 119
  permitted hours (United Kingdom), 6
  premises removal (Victoria), 93
  retail bars (Southern Rhodesia), 140
  sale (Kenya), 167
    (New Hebrides), 118
    (Victoria), 93
Liquor Control—*continued*
  sale of beer (Saskatchewan), 67
  search warrants (Nigeria), 163
  (Union of South Africa), 123
Livestock. *See also* Brands, Pigs, Pounds.
  cattle disease (Central Provinces), 151
  compensation (Victoria), 89
  dairy cattle diseases (Northern Ireland), 21
  industry control (Union of South Africa), 124
  industry subsidy (United Kingdom), 12
  inspection (Alberta), 45
  levy (Southern Rhodesia), 139
  slaughter (Irish Free State), 31
    (Jersey), 19
    (New South Wales), 77
    (New Zealand), 112
    (Tasmania), 88
    (Union of South Africa), 123
  stock remedies (New Zealand), 110
  tick fever (Southern Rhodesia), 138
Load Lines. *See* Safety at Sea.
Loans. *See* Agricultural Loans, Public Finance.
Local Acts. *See* Legislation.
Local Authorities,
  members' contracts (New Zealand), 111
Local Government. *See also* Motor Spirit, Poor Relief, Public Health, Taxation, Town-planning.
  assessment appeals (Sierra Leone), 165
  (Cape of Good Hope), 130, 131, 133
  (Ceylon), 153
  citizens' qualifications (New South Wales), 78
  city council (Sierra Leone), 165
  construction charges (Cape of Good Hope), 130
  contracts (Cape of Good Hope), 131, 133
  creditors' agreements (Quebec), 61
  divisional councils (Cape of Good Hope), 133
  elected elements (North West Frontier), 151
  elections (Cape of Good Hope), 132
    (Cyprus), 186
    (Gibraltar), 185
  local boards (Madras), 147
  municipal corporations (Northern Rhodesia), 138
    (Palestine), 188

Local Government—*continued*
  municipalities (British Columbia), 50
    (New Brunswick), 54
  (Natal), 134
  (Northern Ireland), 26
  nuisances (Transvaal), 137
  parking of vehicles (Transvaal), 137
  private townships (Natal), 134
  rates (Cape of Good Hope), 133
  (South Australia*), 85
  superannuation fund (Western Australia), 100
  taxing powers (Manitoba*), 52
  town improvement (Tasmania), 88
  (Victoria), 97
  village management boards (Cape of Good Hope), 133
Locusts Destruction,
  (Union of South Africa), 121
Lotteries. *See also* Criminal Law.
  (Quebec), 59
  (United Kingdom*), 6
Lunacy. *See also* Criminal Procedure, Mental Treatment.
  lunatics removal (Barbados), 176
  (Manitoba*), 51
  (New South Wales), 77

Machinery,
  farming operations (Union of South Africa), 120
Magistrates. *See* Police Offences.
Maintenance,
  (Alberta), 47
  deserted wives (Saskatchewan), 67
  (Tasmania), 88
Maize. *See* Marketing.
Mandarins. *See* Fruit.
Manufactures,
  control (Irish Free State), 30
Maori Purposes Fund,
  (New Zealand), 115
Margarine. *See* Dairy Industry.
Marketing. *See also* Agriculture, Fruit, Wheat.
  agricultural produce (New Zealand), 112
    (Northern Ireland), 21
    (United Kingdom), 12
  dairy products (Western Australia), 102
  maize (Southern Rhodesia), 139
  natural products (Alberta), 44
    (British Columbia), 50
    (Canada), 40
    (New Brunswick), 54
Marketing—*continued*
    (Prince Edward Island), 58
    (Quebec), 61
  pigs (Northern Ireland), 22
  potatoes (Northern Ireland), 22
  primary products (New South Wales), 77
Marriage. *See also* Church Assembly Measures, Matrimonial Causes, Mohamedan Law.
  consent (Mauritius), 159
  extension of hours (Union of South Africa), 120
    (United Kingdom), 17
  legalization of Angola (Union of South Africa), 124
  minimum age (Hong Kong), 156
Married Women. *See* Summary Jurisdiction.
Masters and Servants,
  wages (Manitoba), 53
Matches. *See* Excise.
Maternity Benefit (Bombay), 147
Maternity Homes,
  registration (Irish Free State), 31
Matrimonial Causes,
  alimony (Alberta), 47
  divorce (Victoria), 89
Meat. *See also* Beef.
  export (New Zealand), 112
  industry (New South Wales), 77
    (Union of South Africa), 124
  sale (Tasmania), 88
Mechanics' Liens,
  (New Brunswick), 54
Medical Practitioners. *See also* Chiropractors.
  medical council (India), 146
  (Nigeria), 164
  registration (Federated Malay States), 159
    (Seychelles), 161
Mental Treatment,
  (Gibraltar), 185
  (Trinidad and Tobago), 180
Merchandise Marks,
  (Hong Kong), 156
  (India), 146
Merchant Shipping. *See also* Harbours, Light Dues, Safety at Sea.
  (Canada), 42
  closing of ports (Jersey), 20
  collisions at sea (Federated Malay States), 159
  employment conventions (Jamaica), 176
    (Mauritius), 160
    (Sierra Leone), 165

Merchant Shipping—*continued*
  maritime conventions (Commonwealth of Australia), 74
    (India), 145
  North Atlantic shipping (United Kingdom), 8
Military Forces. *See also* Aged Soldiers and Sailors Relief.
  air force (United Kingdom), 2
  air force reserve pilots and observers (United Kingdom), 3
  army (United Kingdom), 2
  defence force (Mauritius), 160
  incitement to disaffection (United Kingdom), 5
  Indian army (India), 145
Milk. *See* Dairy Industry.
Mines and Minerals. *See also* Coal Mines, Gold Mines, Workman's Compensation.
  (Fiji), 116
  (Union of South Africa), 123
  welfare fund (United Kingdom), 13
  working facilities (United Kingdom), 14
Mine Workers' Relief. *See* Workmen's Compensation.
Minimum Wage,
  (British Columbia*), 50
  convention (Grenada), 178
    (Mauritius), 160
    (Sierra Leone), 164
    (Uganda), 169
  lumber industry (New Brunswick), 54
  (Manitoba), 53
  (St. Vincent), 179
  (Saskatchewan), 67
  women (Quebec), 61
Ministers of State. *See* Constitution.
Mohamedan Law,
  marriage and divorce (Ceylon), 153
Moneylenders,
  (Assam), 150
  (Central Provinces), 150
  (Gambia), 162
  (Gibraltar), 183
  (Queensland), 82
  transactions (Nyasaland), 168
    (Zanzibar), 171
  usurious loans (Palestine), 190
    (Punjab), 149
    (United Provinces), 148
Mortgage Banks. *See* Banks and Banking.
Mortgages. *See also* Farmers' Relief.
  agricultural mortgagors' relief (Kenya), 166
Mortgages—*continued*
  corporation (New Zealand), 114
  extension (Trinidad and Tobago), 179
  final adjustment (New Zealand), 115
  mortgagees' powers of sale (Victoria), 93
  mortgagors' and purchasers' relief (British Columbia), 50
    (Western Australia), 100
  real property (Manitoba), 52
Motor Spirit,
  gasolene licensing (Nova Scotia), 55
  municipal purchase (Cape of Good Hope), 131
  vendors (Queensland), 84
Motor Vehicles. *See also* Insurance, Motor Spirit, Public Carriers, Transport.
  accidents (Prince Edward Island), 57
  (Alberta), 48
  (Bermuda*), 70
  consular driving licences (Palestine), 189
  dangerous driving (Northern Ireland), 23
    (United Kingdom), 15
  freight vehicles (Alberta), 48
  insurance (Nyasaland), 167
  international certificates (Orange Free State), 136
  licensing (British Columbia), 50
    (New Hebrides), 119
    (Northern Ireland), 28
  lighting (Alberta), 48
    (Northern Ireland), 25
  (Manitoba), 53
  negligence (Transvaal), 136
  (New Brunswick*), 54
  (Nyasaland*), 167
  offences (United Kingdom), 15
  penalties (Prince Edward Island), 57
  registration (New Hebrides), 119
  speed (Bahamas), 175
    (Mauritius), 159
    (United Kingdom), 15
  stage carriages (Nigeria), 163
  taxation (Orange Free State), 136
  taxi-cabs (Bahamas), 175
  third party insurance (Northern Ireland), 24
    (United Kingdom), 16
  traffic (Gold Coast), 162
    (Northern Ireland), 23
    (United Kingdom), 15
  trailers (Alberta), 48

Motor Vehicles—*continued*
  (Trinidad and Tobago*), 181
  (United Kingdom), 15
  weight (Bahamas), 175
    (Orange Free State), 136
Municipal Affairs. *See* Local Government.
Museums,
  national maritime (United Kingdom), 17

Nationality,
  British (New Zealand), 113
Natives. *See also* Arms and Ammunition, Interpretation, Maoris.
  code (New Hebrides), 118
  exemption from laws (Kenya), 166
  hut and poll tax (Kenya*), 166
    (Nyasaland), 168
    (Zanzibar), 173
  lands trust (Kenya), 166
  taxation (Northern Rhodesia), 137
    (Tanganyika*), 169
Natural Products. *See* Marketing.
Navy,
  naval discipline (India), 145
  volunteer (Ceylon), 153
Negotiable Instruments. *See also* Bills of Exchange.
  bearer cheques (India), 146
Newfoundland. *See* Constitution.
Newspapers. *See also* Libel.
  anonymous posters (Manitoba), 53
  (Cyprus*), 186
  registration (Union of South Africa), 121
  roneo publications (New South Wales), 77
Notaries Public,
  (Ceylon), 154
  (Federated Malay States), 159
Noxious Insects. *See* Pests.
Noxious Plants. *See* Jointed Cactus.
Nuisances. *See* Local Government.
Nurses. *See* Pensions.
Nursing Homes,
  inspection (Jamaica), 177

Oaths,
  allegiance (Canada), 40
Obscene Publications (Saskatchewan), 66
Offences against the Person. *See* Criminal Law.
Offenders' Probation. *See* Criminal Procedure.
Official Secrets,
  (Malta), 186
  (Newfoundland), 68
Oil. *See also* Essential Oils, Petroleum, Taxation.
  hydrocarbon (United Kingdom), 8
Old Age Pensions. *See* Pensions.
Opium. *See* Dangerous Drugs.
Opticians,
  (Bahamas), 175
Orchard Tax. *See* Fruit.
Overseas Trade. *See* Trade.

Passports,
  (Hong Kong), 155
  (New Zealand), 110
  (Palestine*), 189
Patents and Designs,
  designs (St. Lucia), 178
  designs registration (Commonwealth of Australia), 74
  designs, protection of United Kingdom (British Solomon Islands), 118
  patents, registration of United Kingdom (Northern Rhodesia), 137
Pawnbrokers,
  (Sierra Leone), 164
Penal Code. *See* Criminal Law.
Pensions. *See also* Church Assembly Measures.
  (Cape of Good Hope), 132
  civil (Commonwealth of Australia), 74
    (Papua), 108
    (St. Lucia), 178
    (Seychelles), 160
  European officers (Nyasaland), 167
  governor (St. Lucia), 178
  local government (Victoria), 98
    (Western Australia), 100
  (New Zealand), 109
  nurses (Transvaal), 137
  old age (Prince Edward Island), 59
  school boards (Transvaal), 137
  sharia courts officials (Palestine), 189
  teachers (Bermuda), 70
    (Cape of Good Hope), 132
    (Orange Free State), 135
  (Trinidad and Tobago*), 180
  widows and orphans (Trinidad and Tobago), 180
Persona Designata. *See* Interpretation of Statutes.
Personal Tax. *See* Taxation.
Persons Registration. *See* Aliens.

Pests,
  agricultural (Union of South Africa), 121
  colorado beetle (Jersey), 30
  destructive (Northern Ireland), 23
  grasshoppers (New South Wales), 77
    (South Australia), 86
Petrol. *See* Motor Spirit.
Petroleum,
  regulation (India), 144
  (United Kingdom), 14
Pharmacy. *See also* Dangerous Drugs.
  drugs (New South Wales), 77
  remedies (Canada), 40
  sale of poisons (Manitoba), 52
    (New Zealand), 111
Physical Contests,
  control (Quebec), 63
Pigs. *See also* Marketing.
  swine compensation (Victoria), 89
Pineapples. *See* Industry Regulation.
Plant Protection. *See* Pests, Wild Flowers.
Poisons. *See* Pharmacy.
Police,
  corporations annual payment (Northern Ireland), 28
Police Offences,
  (Palestine), 189
  (South Australia), 87
Poll Tax. *See* Natives, Taxation.
Poor Relief,
  assessing allowances (United Kingdom), 11
  (Northern Ireland), 27
  Scotland (United Kingdom), 11
Ports. *See* Merchant Shipping.
Post Office,
  business reply cards (Union of South Africa), 119
  (Kenya), 166
  rates (India), 142
  (Uganda*), 170
Potatoes. *See* Marketing.
Pounds,
  (New Hebrides), 118
  (Orange Free State), 136
Precious Stones. *See* Diamonds.
Press. *See* Newspapers, Telegraphic Messages.
Prices Regulation. *See* Foodstuffs, Sugar.
Prickly Pear Leases. *See* Land.
Primary Producers. *See* Co-operative Societies, Marketing.
Princes. *See* Defamation of Princes.
Printing. *See* Newspapers.
Printing Presses. *See* Newspapers.
Prisoners. *See* Released Prisoners.
Private Townships. *See* Local Government.
Probates. *See* Administration of Estates.
Probation of Offenders. *See* Criminal Procedure.
Produce. *See also* Agriculture, Cloves, Cocoa, Coffee, Cotton, Dairy Industry, Export, Fruit, Maize, Marketing, Potatoes, Rice, Rubber, Sago, Sisal, Sugar, Tea, Tobacco, Vegetables, Wheat.
  adulteration (Zanzibar), 171
Property. *See* Land, Waqf, Wills.
Protectorate. *See* Administration.
Provident Funds,
  Asian civil service (Kenya), 167
  European civil service (Kenya), 166
Public Entertainments. *See* Cinematographs, Entertainments.
Public Finance. *See also* Land Settlement, Relief, Taxation.
  (Cape of Good Hope), 131, 132
  colonial stock (Union of South Africa), 125
    (United Kingdom), 2
  debts clearing office (United Kingdom), 8
  derating (Cape of Good Hope), 132
  emergency measures (Cape of Good Hope), 131, 132
    (Western Australia), 100
  financial relief (Commonwealth of Australia), 73
  government debts (Zanzibar), 173
  government stock (Jamaica*), 176
  grants to states (Commonwealth of Australia), 71
    (Tasmania), 88
  (India), 142
  loan repayment (British Guiana), 174
  loans to local authorities (Northern Ireland), 29
  national debt sinking fund (Commonwealth of Australia), 73
  national expenditure adjustment (New Zealand), 109
  (New Zealand), 109
  (Northern Ireland), 28
  Palestine loan (Palestine), 188
    (United Kingdom), 8
  public loans (Commonwealth of Australia), 73

Public Finance—*continued*
    (Grenada), 177
    (Hong Kong), 155
    (New Zealand), 109
Public Health. *See also* Venereal Disease.
  board (Manitoba), 52
    (Saskatchewan), 66
  (British Guiana*), 174
  building control (Jersey), 20
  (Gibraltar), 185
  health districts (Irish Free State), 31
  maternity and welfare centres (Victoria), 97
  (Natal), 134
  (Northern Ireland), 27
Public Holidays. *See also* Interpretation of Statutes.
  (Bahamas), 175
Public Loans. *See* Public Finance.
Public Meetings,
  circulars (Quebec), 63
Public Safety. *See* Indian State Protection.
Public Service. *See also* Pensions, Provident Funds.
  bacteriologist and pathologist (Barbados), 176
  board of agriculture (British Guiana), 174
  Indian pay (United Kingdom), 7
  leave (Bermuda), 70
  officers, actions for neglect (Manitoba), 53
  officers protection (Gibraltar), 182
  salaries (Commonwealth of Australia), 73, 74
    (Gold Coast), 162
    (New South Wales), 77
    (New Zealand), 109
    (Nigeria), 163
    (St. Lucia), 178
    (United Kingdom), 7
  trade and industry department (Alberta), 43
Public Undertakings,
  assessor, Scotland (United Kingdom), 16
Public Utilities,
  (Alberta), 44
  board (Prince Edward Island), 59
Purchasers. *See* Mortgages.

Quitrent,
  abolition (Union of South Africa), 127
Rabies,
  prevention (Palestine), 189
Racecourse Betting. *See* Betting.
Racing. *See* Betting, Dog Racing.
Radio. *See* Wireless Telegraphy.
Railways. *See also* Transport.
  agreements (Canada), 41
  company's powers (Northern Ireland), 25
  promotion appeals (Queensland), 83
  sale of land (New South Wales), 76
Rates and Rating. *See also* Education, Electricity, Public Finance.
  (Cape of Good Hope), 132
  payment by cheque (Trinidad and Tobago), 181
Real Property. *See* Land.
Recreation Grounds,
  (St. Lucia), 179
Reformatories,
  (Union of South Africa), 123
Registration. *See* Aliens, Architects, Books, Brands, Building Societies, Business Names, Charitable Collections, Clubs, Dentists, Fertilizers, Maternity Homes, Medical Practitioners, Motor Vehicles, Newspapers, Opticians, Patents and Designs, Slaughterhouses, Stallions, Vital Statistics.
Released Prisoners,
  farms (Quebec), 62
Relief. *See* Aged Soldiers and Sailors, Farmers' Relief, Mortgages, Public Finance, Unemployment, Wheat.
Religion. *See* Libel.
Rent. *See* Landlord and Tenant, Quitrent.
Repatriation,
  convicted aliens (Gambia), 162
  soldiers (Commonwealth of Australia), 74
  vagrant natives (Sierra Leone), 164
Research. *See* Industrial and Economic Research.
Rice,
  cultivation (Straits Settlements), 158
  export trade (British Guiana), 174
River Murray Waters,
  agreement (Commonwealth of Australia), 74
    (New South Wales), 77
Roads. *See* Highways.

Road Traffic. *See* Highways, Motor Vehicles.
Road Transport. *See* Transport.
Roman Catholic Mission. *See* Ecclesiastical Law.
Royal Commissions,
  (New South Wales), 77
Royal Executive Functions. *See* Constitution.
Rubber,
  control (Federated Malay States), 159
    (Straits Settlements), 157
  production and export (Ceylon), 152
  restriction (India), 144
    (North Borneo), 160
Rum,
  ether content (Jamaica), 177
  sale and manufacture (Jamaica), 177
Rural Bank. *See* Agricultural Bank.

Safety at Sea,
  collisions (Federated Malay States), 159
  convention (Commonwealth of Australia), 74
  load line (Commonwealth of Australia), 74
Sago,
  cutting (Papua), 108
Salaries. *See* Constitution, Hospitals, Public Service.
Sale of Goods. *See also* Bills of Sale, Conditional Sales.
  grain dealers (Manitoba), 53
Sales Tax. *See* Taxation.
Salt Duty,
  (India), 142
Sandalwood,
  preservation (Queensland), 83
Savings Banks,
  local (Trinidad and Tobago), 181
  trustee (United Kingdom), 8
Schools. *See* Education.
Sea Fisheries. *See* Fisheries.
Seals. *See* Constitution.
Seat of Government. *See* Administration.
Secession. *See* Constitution.
Sedition. *See* Criminal Law.
Seed Grain. *See* Agricultural Loans.
Sharia Courts. *See* Pensions.
Shipping. *See* Merchant Shipping.
Shops. *See also* Hours of Work.
  employment (Quebec), 63
  (United Kingdom), 9
  (Victoria), 95
Sisal Industry,
  levy (Kenya), 166
Slaughterhouses,
  registration (Irish Free State), 31
Slums. *See* Housing.
Smallholdings. *See* Land.
Smuggling. *See* Customs.
Soldiers. *See* Aged Soldiers and Sailors, Land Settlement, Military Forces, Repatriation, War Service Homes.
Solicitors. *See* Legal Practitioners.
Special Powers. *See* Constitution.
Spirits. *See* Distillation, Excise, Liquor Control, Rum.
Stallions. *See* Horsebreeding.
Stamps and Stamp Duty. *See also* Betting, Law Society.
  duties (Ceylon), 154
    (Gibraltar), 182
State Grants. *See* Public Finance.
Status of Union. *See* Constitution.
Statute Law. *See also* Interpretation of Statutes.
  acts republication (South Australia), 84
  citation (Newfoundland), 68
  consolidation (South Australia), 85
    (Tasmania), 87
    (United Kingdom), 1
  federal acts enforcement (Quebec), 61
  invalid, payments under (Alberta), 46
  repeal of laws (Orange Free State), 135
  revision (Grenada), 177
    (Palestine), 189
    (South Australia), 84, 85
    (Union of South Africa), 122
    (Zanzibar), 172
Steel. *See also* Bounties.
  industry protection (India), 142
Stock Remedies. *See* Livestock.
Succession. *See also* Ultimate Heir.
  duty (Alberta), 46
    (British Columbia), 50
    (Manitoba), 52
    (New Brunswick), 54
    (Prince Edward Island), 59
    (Quebec), 59
    (Saskatchewan), 66
    (Western Australia), 100
  intestacy (Union of South Africa), 120
Sugar,
  excise duty (British Guiana), 174
    (India), 143

Sugar—*continued*
  experimental stations (Queensland), 79
  export (Mauritius), 159
  minimum prices (India), 146
  stabilization (United States of America), 191
  subsidy (United Kingdom), 8
Summary Jurisdiction,
  married women (Trinidad and Tobago), 181
Surrogate Courts. *See* Judicature.
Survey,
  (Nigeria), 163
  Northern Australia (Commonwealth of Australia), 73
Sweepstakes. *See* Gaming.
Swine. *See* Pigs.

Taxation. *See also* Betting, Companies, Customs, Dogs, Estate Duties, Excise, Exports, Flour, Gold Mines, Imports, Income Tax, Land Tax, Local Government, Motor Vehicles, Natives, Salt Duty, Sisal Industry, Succession, Tobacco, Unemployment, Wheel Tax.
  auditor general's powers (Tasmania), 87
  bill of entry (British Guiana), 174
  chain stores (Nova Scotia), 56
  collection (Palestine), 187
  consolidation (Alberta), 45
    (Saskatchewan), 67
  entertainments (Cape of Good Hope), 131
  exemption, municipal (Quebec), 62
  forced land sales (Quebec), 65
  fuel oil (Nova Scotia), 55
  gold mining profits (Western Australia), 100
  gold premium (Southern Rhodesia), 139
  immoveable property (Cape of Good Hope), 132
  (India), 142
  native (Northern Rhodesia), 137
    (Tanganyika*), 169
  native hut tax (Zanzibar), 173
  non-native personal (Northern Rhodesia), 137
  orchards (New Zealand), 114
  payment by cheque (Trinidad and Tobago), 181
  payment under invalid statutes (Alberta), 46
  personal (Cape of Good Hope), 131, 132
Taxation—*continued*
  poll (Kenya), 167
    (Mauritius), 159
    (Uganda), 169
  sales (Commonwealth of Australia), 75
  (South Australia), 87
  sweepstake tickets (Trinidad and Tobago), 181
Taxi-cabs. *See* Motor Vehicles.
Tea,
  industry (Ceylon), 152
  planting control (Tanganyika), 169
  production restriction (Kenya), 167
    (Nyasaland), 168
    (Uganda), 169
Teachers. *See* Education, Pensions.
Telegraphic Messages,
  press (Kenya), 167
Telegraphs,
  companies (Quebec), 65
Telephones,
  companies (Quebec), 65
Tenants. *See* Landlord and Tenant.
Terrorism. *See* Criminal Law.
Textiles,
  import quotas (Bahamas), 174
    (Barbados), 176
    (Bermuda), 71
    (British Guiana), 174
    (British Solomon Islands), 118
    (Fiji), 116
    (Gambia), 162
    (Gilbert and Ellice Islands), 118
    (Gold Coast), 162
    (Grenada), 177
    (Jamaica), 177
    (Mauritius), 160
    (Nigeria), 163
    (St. Lucia), 178
    (St. Vincent), 179
    (Sierra Leone), 164
    (Straits Settlements), 158
    (Trinidad and Tobago), 180
  protection (India), 142
Threshers' Liens,
  (Alberta*), 47
Timber,
  export (Uganda), 169
Tobacco. *See also* Excise.
  cess (Nyasaland), 168
  control (Southern Rhodesia), 139
  cultivation (Palestine), 189
  industry protection (South Australia), 86
  regulation (Irish Free State), 31
  sale (Punjab), 149
  stabilization (United States of America), 190

Totalizators. *See* Betting.
Tourist Traffic,
  bureau (Tasmania), 88
Town Boards. *See* Local Government.
Townplanning,
  (Cape of Good Hope), 133
  (Irish Free State), 31
  (Natal), 134
  (Queensland), 80
  (Transvaal), 137
  (Trinidad and Tobago), 180
Townships. *See* Local Government.
Towns Improvement. *See* Local Government.
Trade,
  overseas (United Kingdom), 8
Trade Agreements. *See* Customs.
Trade, Department of. *See* Public Service.
Trade Disputes. *See* Industrial Arbitration.
Trade Marks,
  registration of United Kingdom (British Solomon Islands), 118
Traders. *See* Aliens.
Trades Licensing. *See* Licensing.
Traffic Regulation. *See* Highways, Motor Vehicles.
Tramways,
  (Cape of Good Hope), 133
Transport. *See also* Air Navigation, Motor Vehicles, Railways.
  aircraft services (New Zealand), 112
  board (Trinidad and Tobago), 181
  carriage of goods by motor (Sudan), 173
  motor carrier (Union of South Africa), 121
  road and rail co-ordination (Nyasaland), 167
Tricycles. *See* Bicycles.
Truck. *See* Wages.
Trusts and Trustees. *See also* Savings Banks.
  investments (Bermuda), 70
  securities (India), 146
  trustees (Hong Kong), 155
  trust moneys protection (Union of South Africa), 123

Ultimate Heir,
  university (Alberta), 47
Undesirables prevention. *See* Immigration.
Unemployment Relief,
  assistance (United Kingdom), 10
  housing (New South Wales), 76
Unemployment Relief—*continued*
  insurance (Northern Ireland), 25
    (United Kingdom), 9
  relief (Canada), 41
    (Commonwealth of Australia), 75
    (Northern Ireland), 25
    (United Kingdom), 10
Uniformity of Legislation,
  automobile insurance (New Brunswick), 54
  conditional sales (Prince Edward Island), 57
  judgments enforcement (Saskatchewan), 67
Universities. *See* Ultimate Heir.
Unlawful Possession. *See* Criminal Law.
Usury. *See* Moneylenders.

Vagrancy. *See* Repatriation.
Vegetables,
  grading (South Australia), 86
Vehicles. *See* Bicycles, Motor Vehicles, Public Carriers, Transport.
Venereal Disease,
  undesirable advertisements (Sierra Leone), 164
Vermin Destruction,
  subsidies (Cape of Good Hope), 132
Villages. *See* Local Government.
Vital Statistics,
  birth registration (Union of South Africa), 120
  (Hong Kong*), 156
  legitimated children, Scotland (United Kingdom), 17
  (New South Wales), 77
Volunteers. *See* Navy.

Wages. *See also* Coal Mines, Masters and Servants, Minimum Wage.
  truck (Gibraltar), 182
Waqf,
  administration (Bengal), 148
War Service Homes,
  advances (Commonwealth of Australia), 75
Water,
  rates (St. Lucia), 179
  rural supplies (United Kingdom), 14
  shortage (United Kingdom), 14
  supply (Gold Coast), 162
Waterways (Bengal), 148

Weights and Measures,
  (Uganda), 169
Whaling,
  industry convention (United Kingdom), 13
Wheat,
  bounty (Commonwealth of Australia), 72
    (New South Wales), 76
  control and marketing (Alberta), 42
  growers' relief (Commonwealth of Australia), 71
  protection (India), 142
Wheel Tax,
  (Orange Free State), 136
Wild Animals. *See* Game.
Wild Birds. *See* Birds, Game.
Wild Flowers,
  protection of native (New Zealand), 111
Wills,
  charitable bequests (Victoria), 90
  (Nova Scotia), 56
Wine,
  distillation (Commonwealth of Australia), 73
  export bounty (Commonwealth of Australia), 72
Wireless Telegraphy,
  broadcasting (New Zealand), 114
  (Canada), 41
  (Mauritius), 160
Women. *See* Industrial Employment, Minimum Wage.
Women and Girls Protection. *See* Criminal Law.
Workmen. *See* Industrial Employment, Labour, Unemployment, Wages.
Workmen's Compensation,
  adopted children's status (Northern Ireland), 26
    (United Kingdom), 17
  (British Guiana), 174
  (Ceylon), 154
  coal mines (United Kingdom), 14
  (Grenada), 178
  (Irish Free State), 32
  (Malta), 107
  miners' relief (Western Australia), 107
  (Queensland), 78
  (Saskatchewan), 67
  (Union of South Africa*), 127
Workmen's Dwellings. *See* Housing.
Workmen's Wages. *See* Wages.

BIBL.
LONDIN.
UNIV.

Printed in Great Britain by
Hazell, Watson & Viney, Ltd., London and Aylesbury.

THE JOURNAL OF COMPARATIVE LEGISLATION AND INTERNATIONAL LAW

THIRD SERIES—Vol. XVIII, Part I.

Six Shillings. February 1936.

BIBL.